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OFFICE OF MANAGEMENT AND BUDGET

2 CFR Part 200

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

CFR Correction

In Title 2 of the Code of Federal Regulations, revised as of January 1, 2015, on page 206, in Appendix III to Part 200, in section C.7, in the first sentence of the first paragraph, remove the phrase ‘‘, must paragraph (b)(1) for indirect (F&A) costs’’ and on page 219, in Appendix VII to Part 200, in section A.3, in the last sentence, remove the word ‘‘the’’ before ‘‘HHS Cost Allocation’’.

[FR Doc. 2015–20044 Filed 8–13–15; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[NRC–2008–0198]

RIN 3150–AI11

Revisions to Transportation Safety Requirements and Harmonization With International Atomic Energy Agency Transportation Requirements; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) published a final rule in the **Federal Register** on June 12, 2015, in consultation with the U.S. Department of Transportation (DOT), amending its regulations for the packaging and transportation of radioactive material. These amendments made conforming changes to the NRC's regulations based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material and maintain consistency with the DOT's regulations. The final rule contained minor editorial errors in a calculation, outdated contact information, and outdated information for examining the materials that are incorporated by reference. This document corrects the final rule by revising the definition that contains these errors, and updates the contact and examination information.

DATES: This rule is effective on August 14, 2015.

ADDRESSES: Please refer to Docket ID NRC–2008–0198 when contacting the NRC about the availability of information for this correcting amendment or the final rule. You may obtain publicly-available information related to these documents by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0198. 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 final rule.
- *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 is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *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: Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3781; email: *Solomon.Sahle@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC published a final rule in the **Federal Register** on June 12, 2015 (80 FR 33987), effective July 13, 2015, amending its regulations in part 71 of Title 10 of the *Code of Federal Regulations* (10 CFR) for the packaging and transportation of radioactive material. These amendments made conforming changes to the NRC's regulations based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material and maintain consistency with the DOT's regulations. The final rule contained minor editorial errors in the definition of *Contamination* that was added to 10 CFR 71.4, ‘‘Definitions,’’ and contained outdated information for the contact for the rule and for examining the materials that are incorporated by reference. This document corrects the final rule by revising the calculation contained in the definition of *Contamination,* and updates the contact information in the **FOR FURTHER INFORMATION CONTACT** section of the final rule's preamble. This document also updates the examination information by referencing the NRC Technical Library in Section XVII, Incorporation by Reference under 1 CFR part 51—Reasonable Availability to Interested Parties, of the final rule's preamble. Similarly, the new 10 CFR 71.70, ‘‘Incorporations by reference,’’ is corrected to reference the NRC Technical Library.

Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on the amendments because they will have no substantive impact and are of a minor and administrative nature dealing with corrections to certain CFR sections related only to management, organization, procedure, and practice. Specifically, these amendments are to correct editorial errors. These amendments do not

require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC. Accordingly, for the reasons stated, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication.

Correction to the Preamble

In FR Doc. 2015–14212 appearing on page 33987 in the **Federal Register** of Friday, June 12, 2015, the following corrections to the preamble are made:

1. On page 33988, in the second column, the **FOR FURTHER INFORMATION CONTACT** section is corrected to read as follows:

FOR FURTHER INFORMATION CONTACT: Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3781; email: *Solomon.Sahle@nrc.gov.*

2. On page 34010, in the third column, last paragraph, in Section XVII, Incorporation by Reference under 1 CFR part 51—Reasonable Availability to Interested Parties, the first sentence is corrected to read as follows:

The two ISO standards incorporated by reference into 10 CFR 71.75 may be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.*

List of Subjects in 10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Incorporation by reference, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following correcting amendments to 10 CFR part 71:

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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

Authority: Atomic Energy Act secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act sec. 180 (42 U.S.C. 10175); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 594 (2005).

Section 71.97 also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

■ 2. In § 71.4, revise the definition of *Contamination* to read as follows:

§ 71.4 Definitions.

* * * * *

Contamination means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm^2 (1×10^{-5} μCi/cm^2) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm^2 (1×10^{-6} μCi/cm^2) for all other alpha emitters.

(1) *Fixed contamination* means contamination that cannot be removed from a surface during normal conditions of transport.

(2) *Non-fixed contamination* means contamination that can be removed from a surface during normal conditions of transport.

* * * * *

■ 3. In § 71.70, revise paragraph (a), fifth sentence, to read as follows:

§ 71.70 Incorporations by reference.

(a) * * * The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.* The materials are also available from the sources listed below. * * *

* * * * *

Dated at Rockville, Maryland, this 7th day of August, 2015.

For the Nuclear Regulatory Commission.

Helen Chang,

Acting Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2015–20027 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 235

[Regulation II; Docket No. R–1404]

RIN No. 7100–AD 63

Debit Card Interchange Fees and Routing

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Clarification.

SUMMARY: The Board is publishing a clarification of Regulation II (Debit Card Interchange Fees and Routing). Regulation II implements, among other things, standards for assessing whether interchange transaction fees for electronic debit transactions are reasonable and proportional to the cost incurred by the issuer with respect to the transaction, as required by section 920 of the Electronic Fund Transfer Act. On March 21, 2014, the Court of Appeals for the District of Columbia Circuit upheld the Board's Final Rule. The Court also held that one aspect of the rule—the Board's treatment of transactions-monitoring costs—required further explanation from the Board, and remanded the matter for further proceedings. The Board is explaining its treatment of transactions-monitoring costs in this Clarification.

DATES: Effective August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Stephanie Martin, Associate General Counsel (202–452–3198), or Clinton Chen, Attorney (202–452–3952), Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact (202–263–4869); Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION

I. Background

The Dodd-Frank Wall Street Reform and Consumer-Protection Act (the ''Dodd-Frank Act'') was enacted on July 21, 2010.[1] Section 1075 of the Dodd-Frank Act amends the Electronic Fund Transfer Act (''EFTA'') (15 U.S.C. 1693 *et seq.*) to add a new section 920 regarding interchange transaction fees and rules for payment card transactions.[2] EFTA section 920(a)(2) provides that the amount of any interchange transaction fee that an issuer receives or charges with respect to an electronic debit transaction must be reasonable and proportional to the cost incurred by the issuer with respect to the transaction.[3] Section 920(a)(3) requires the Board to establish standards for assessing whether an interchange transaction fee is reasonable and proportional to the cost incurred by the issuer with respect to the transaction. Without limiting the full range of costs that the Board may consider, section 920(a)(4)(B) requires the Board to distinguish between two types of costs

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] EFTA section 920 is codified as 15 U.S.C. 1693*o*–2. EFTA section 920(c)(8) defines ''an interchange transaction fee'' (or ''interchange fee'') as any fee established, charged, or received by a payment card network for the purpose of compensating an issuer for its involvement in an electronic debit transaction.

[3] Electronic debit transaction (or ''debit card transaction'') is defined in EFTA section 920(c)(5) as a transaction in which a person uses a debit card.

when establishing standards under section 920(a)(3). In particular, section 920(a)(4)(B) requires the Board to distinguish between ''the incremental cost incurred by an issuer for the role of the issuer in the authorization, clearance, or settlement of a particular electronic debit transaction,'' which the statute requires the Board to consider, and ''other costs incurred by an issuer which are not specific to a particular electronic debit transaction,'' which the statute prohibits the Board from considering.

Under EFTA section 920(a)(5), the Board may allow for an adjustment to the amount of an interchange transaction fee received or charged by an issuer if (1) such adjustment is reasonably necessary to make allowance for costs incurred by the issuer in preventing fraud in relation to electronic debit card transactions involving that issuer, and (2) the issuer complies with fraud-prevention standards established by the Board. Those standards must, among other things, require issuers to take effective steps to reduce the occurrence of, and costs from, fraud in relation to electronic debit transactions, including through the development and implementation of cost-effective fraud-prevention technology.

The Board promulgated its final rule implementing standards for assessing whether interchange transaction fees meet the requirements of section 920(a) in July 2011. (Regulation II, Debit Card Interchange Fees and Routing, ''Final Rule,'' codified at 12 CFR part 235).[4] Among the provisions of the Final Rule was one relating to transactions-monitoring costs. Transactions-monitoring costs are costs incurred by the issuer during the authorization process to detect indications of fraud or other anomalies in order to assist in the issuer's decision to authorize or decline the transaction. The Board included transactions-monitoring costs as part of the interchange fee standard called for in section 920(a)(3)(A) (costs incurred by an issuer for the issuer's role in the authorization of a particular transaction) based on the Board's determination that these costs are incurred in the course of effecting a particular transaction and an integral part of the authorization of a specific electronic debit transaction.

The Board amended Regulation II on August 3, 2012 to implement the fraud-prevention cost adjustment permitted by EFTA section 920(a)(5).[5] Fraud-prevention costs included in that adjustment included costs associated with research and development of new fraud technologies, card reissuance due to fraudulent activity, data security, and card activation.[6] These costs are not incurred during the transaction as part of the authorization process.

On March 21, 2014, the Court of Appeals for the District of Columbia Circuit upheld the Board's Final Rule relating to the interchange fee standard. *NACS* v. *Board of Governors of the Federal Reserve System,* 746 F.3d 474 (D.C. Cir. 2014).[7] The Court of Appeals held, however, that one aspect of the rule—the Board's treatment of transactions-monitoring costs—required further explanation from the Board, and remanded the matter for further proceedings. The Court of Appeals agreed with the Board's position that ''transactions-monitoring costs can reasonably qualify both as costs 'specific to a particular transaction' (section 920(a)(4)(B)) and as fraud-prevention costs (section 920(a)(5)).'' 746 F.3d at 492. The Court held, however, that the Board had not adequately articulated its reasons for including transactions-monitoring in the interchange fee standard rather than in the fraud-prevention adjustment.

II. Rationale for Including Transactions-Monitoring Costs in the Interchange Fee Standard

In the Final Rule, the Board identified the types of costs that could *not* be included in the interchange fee standard under section 920(a)(4)(B)(ii) (other costs ''not specific to a particular transaction'') on the basis of whether those costs are ''incurred in the course of effecting'' transactions.[8] Costs that were ''not incurred in the course of effecting any electronic debit transaction'' were determined to be outside of the allowable ambit of the interchange fee standard, but the standard could include ''any cost that is not prohibited—*i.e.,* any cost that *is* incurred in effecting any electronic debit transaction.'' [9] Thus, for example, the costs of equipment, hardware, software, and labor associated with transactions processing were properly included in the interchange fee standard because no particular transaction can occur without incurring these costs, and thus these costs are ''specific to a particular transaction.'' [10] In upholding the rule, the Court of Appeals found this to be ''reasonable line-drawing.'' [11]

The same rationale supports including transactions-monitoring costs in the interchange fee standard. Transactions-monitoring systems, such as neural networks and fraud-risk scoring systems, assist in the authorization process by providing information needed by the issuer in deciding whether the issuer should authorize the transaction before the issuer decides to approve or decline the transaction. Like other authorization steps, such as confirming that a card is valid and authenticating the cardholder, transactions-monitoring is integral to an issuer's decision to authorize a specific transaction.[12] In fact, most costs of the authorization process (which are costs Congress required to be considered in determining the interchange fee) assist in preventing some type of fraud. Steps in the authorization process may include ensuring that the transaction is not against an account that has been closed, checking to be sure the card has not been reported lost or stolen, checking that there is an adequate balance, and authenticating the cardholder. Like transactions-monitoring, these authorization steps are all ''specific to a particular transaction'' in the sense that they occur in connection with each transaction that is authorized or declined. Because the statute requires the Board to consider incremental authorization costs in setting the interchange fee standard, the Board concluded that that it should consider the costs of all activities that are integral to authorization, even if those costs are also incurred for the dual purpose of helping to prevent fraud.

By contrast, fraud-prevention costs that the Board used to calculate the separate fraud-prevention adjustment authorized under section 920(a)(5) were not necessary to effect a particular transaction and were not part of the authorization, clearing, or settlement process, and thus a particular electronic debit transaction could occur without the issuer incurring these costs. As the Board stated in the Final Rule, the types of fraud-prevention activities considered in connection with the fraud-prevention adjustment were those activities designed to prevent debit card fraud at times other than when the issuer is authorizing, settling, or clearing a transaction.[13] For example, in setting the fraud-prevention adjustment, the Board considered costs associated with research and development of new

[4] Regulation II also implemented a separate provision of section 920 relating to network exclusivity and routing.

[5] *See* 77 FR 46,258 (Aug. 3, 2012).

[6] *See* 77 FR at 46,264.

[7] The U.S. Supreme Court denied the retailers' petition for a writ of certiorari on January 20, 2015. 135 S. Ct. 1170 (2015).

[8] 76 FR 43,394, 43,426 (July 20, 2011).

[9] *Id.*

[10] 76 FR at 43,430.

[11] 746 F.3d at 490.

[12] 76 FR at 43,430–31.

[13] 76 FR at 43,431.

fraud prevention technologies, card reissuance due to fraudulent activity, data security, and card activation.[14]

As noted above, section 920(a)(4)(B) specifically directs the Board to consider in establishing the interchange fee standard the costs ''incurred by the issuer for the role of the issuer in the authorization, clearance or settlement of a particular transaction.'' Transactions monitoring is an integral part of the authorization process, so that the costs incurred in that process are part of the authorization costs that the Board is required by the statute to consider when establishing the interchange fee standard. In addition, the statutory language of section 920(a)(5), which differs in important respects from section 920(a)(4)(B), supports the Board's decision to include transactions-monitoring costs in the interchange fee standard rather than in the separate fraud prevention adjustment. The costs considered in section 920(a)(5)(A)(i) are those of preventing fraud ''in relation to electronic debit transactions,'' rather than costs of ''a particular electronic debit transaction'' referenced in section 920(a)(4)(B). Congress's elimination of the word ''particular'' and its use of the more general phrase ''in relation to,'' along with its use of the plural ''transactions,'' indicates that the fraud-prevention adjustment may take into account an issuer's fraud prevention costs over a broad spectrum of transactions that are not linked to a particular transaction.

Moreover, section 920(a)(5) permits the Board to adopt a separate adjustment ''to make allowance for costs incurred by the issuer in preventing fraud *in relation to electronic debit transactions involving that issuer''* if certain standards are met, and directs that those standards include that the issuers take steps to ''reduce the occurrence of, and costs from, fraud in relation to electronic debit transactions,'' including ''development and implementation of cost-effective fraud prevention technology.'' Section 920(a)(5)(A)(i), (A)(ii)(II) (emphasis supplied). The use of the general phrase ''fraud in relation to electronic debit transactions'' and the specific reference to developing fraud prevention technology suggest a Congressional intent to use the fraud prevention adjustment to encourage issuers to develop and adopt programmatic improvements to address fraud outside of the context of particular transactions that incur costs for authorization, clearance, or settlement. The types of costs the Board included in the separate fraud prevention adjustment are programmatic costs, such as researching and developing new fraud prevention technologies and data security, and other costs that encourage enhanced fraud prevention that are not necessary to effect particular transactions.

The Board is publishing this explanation in accordance with the opinion of the Court of Appeals.

By order of the Board of Governors of the Federal Reserve System, August 10, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–19979 Filed 8–13–15; 8:45 am]

BILLING CODE P

[14] 77 FR at 46,264.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 1

Definitions and Abbreviations

CFR Correction

In Title 14 of the Code of Federal Regulations, Parts 1 to 59, revised as of January 1, 2015, on pages 12 and 13, in § 1.1, the definitions beginning with V_A and ending with V_S are removed.

[FR Doc. 2015–20045 Filed 8–13–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–3325; Airspace Docket No. 15–AWP–15]

Amendment of Class D and E Airspace; Santa Rosa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Class D airspace and Class E airspace designated as an extension at Santa Rosa, CA, by updating the geographic coordinates of Charles M. Schulz-Sonoma County Airport to coincide with the FAAs database. This action does not involve a change in the dimensions or operating requirements of the airspace.

DATES: Effective 0901 UTC, October 15, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC 29591; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Rob Riedl, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA, 98057; Telephone (425) 203–4534.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

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

History

The FAAs Aeronautical Information Services identified that the airport reference point (ARP) was not coincidental with the FAA's aeronautical database. This action makes these corrections. Accordingly, since this action merely adjusts the geographic coordinates of the airport, notice and public procedure under 553(b) are unnecessary.

Class D and E airspace designations are published in paragraphs 5000 and 6004, respectively, of FAA Order 7400.9Y, dated August 6, 2014, and

effective September 15, 2014, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace and Class E airspace designated as an extension at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA. The airport's geographic coordinates are adjusted to be in concert with the FAA's aeronautical database. This is an administrative change and does not affect the dimensions or operating requirements of the airspace area.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace

* * * * *

AWP CA D Santa Rosa, CA [Amended]

Charles M. Schulz-Sonoma County Airport, CA (lat. 38°30′35″ N., long. 122°48′46″ W.).

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.3-mile radius of Santa Rosa/Charles M. Schulz-Sonoma County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to Class D or Class E Surface Area

* * * * *

AWP CA E4 Santa Rosa, CA [Amended]

Charles M. Schulz-Sonoma County Airport, CA (lat. 38°30′35″ N., long. 122°48′46″ W.).

That airspace extending upward from the surface within 2 miles either side of the 342° bearing from the Charles M. Schulz-Sonoma County Airport, CA, extending from the 4.3-mile radius of the airport to 14 miles northwest of the airport.

Issued in Seattle, Washington, on August 5, 2015.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–19952 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 62

[Public Notice: 9215]

Exchange Visitor Program—Waiver of Certain Program Eligibility Requirements

AGENCY: Department of State.

ACTION: Change of program duration for current YES program students from Yemen.

SUMMARY: In accordance with the General Provisions of the Exchange Visitor Program regulations, the Department's Assistant Secretary for Educational and Cultural Affairs has waived certain program eligibility requirements with respect to an educational and cultural exchange program established pursuant to an arrangement between the Government of the United States of America and the Government of the Republic of Yemen.

DATES: Effective August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Mara Tekach, Deputy Assistant Secretary for Professional Exchanges, U.S. Department of State, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522; or email at *JExchanges@state.gov*.

SUPPLEMENTARY INFORMATION: The Department of State (the Department) administers the Exchange Visitor Program pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451, *et. seq.*), also known as the Fulbright-Hays Act (the Act). The purpose of the Act is to increase mutual understanding between the people of the United States and the people of other countries, including through educational and cultural exchanges. The Department's implementing regulations for the Exchange Visitor Program are set forth at 22 CFR part 62.

In accordance with 22 CFR 62.1(c), the Department's Assistant Secretary for Educational and Cultural Affairs has waived 22 CFR 62.25(c) with respect to an educational and cultural exchange program established pursuant to an arrangement between the Government of the United States of America and the Government of the Republic of Yemen. The program, which begins in August 2015, is for approximately thirty students from the Republic of Yemen currently in the United States on the Kennedy-Lugar Youth Exchange & Study Program (YES). This waiver of 22 CFR 62.25(c), which imposes a one-year maximum program duration for secondary school participants, will

allow those students to receive continued educational and cultural programming offered by the Department for a period of one additional year.

Mara Tekach,

Deputy Assistant Secretary for Professional Exchanges, Bureau of Educational and Cultural Affairs.

[FR Doc. 2015–19586 Filed 8–13–15; 8:45 am]

BILLING CODE 4710–05–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in September 2015. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective September 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for September 2015.[1]

The September 2015 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for August 2015, these interest assumptions represent a decrease of 0.25 percent in the immediate annuity rate and are otherwise unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during September 2015, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 263, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
263	9–1–15	10–1–15	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 263, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
263	9–1–15	10–1–15	1.25	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 6th day of August 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–20064 Filed 8–13–15; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0710]

Drawbridge Operation Regulation; Narrow Bay, Suffolk County, NY

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 operation of the Smith Point Bridge across Narrow Bay, mile 6.1, at Suffolk County, New York. This deviation is necessary to accommodate the 5K Run for Literacy. This deviation allows the bridge to remain in the closed position for one hour.

DATES: This deviation is effective from 9 a.m. through 10 a.m. on September 12, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0710] 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 Ms. Judy K. Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Smith Point Bridge, mile 6.1, across Narrow Bay, has a vertical clearance in the closed position of 18 feet at mean high water and 19 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.799(d).

The waterway is transited by seasonal recreational vessels of various sizes.

The Community Family Literacy Project, Inc. requested a temporary deviation from the normal operating schedule to facilitate the 5K Run for Literacy.

Under this temporary deviation the Smith Point Bridge may remain in the closed position for one hour between 9 a.m. and 10 a.m. on Saturday September 12, 2015.

There are no alternate routes for vessel traffic; however, vessels that can pass under the closed draws during this closure may do so at all times. The bridge may be opened in the event of an emergency.

The Coast Guard will 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 impact caused by the temporary deviation.

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

Dated: August 5, 2015.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2015–20117 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0765]

Drawbridge Operation Regulation; Townsend Gut, Boothbay and Southport, Maine

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 Southport (SR 27) Bridge, across Townsend Gut, mile 0.7, at Boothbay and Southport, Maine. This deviation is necessary to facilitate replacement of the bridge wedge motor. This deviation allows the bridge to remain in the closed position for 24 hours.

DATES: This deviation is effective from 7 a.m. on October 5, 2015 through 7 a.m. on October 6, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0765] 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, contact Mr. Joe M. Arca, Project Officer, First Coast Guard District, telephone (212) 514–4336, email *joe.m.arca@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Southport (SR 27) Bridge, mile 0.7, across the Townsend Gut has a vertical clearance in the closed position of 10

feet at mean high water and 19 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.537.

Maine Department of Transportation requested this temporary deviation from the normal operating schedule to facilitate essential bridge repairs.

Under this temporary deviation, the Southport Bridge (SR 27) may remain in the closed position from 7 a.m. on October 5, 2015 through 7 a.m. on October 6, 2015.

The bridge will be able to open in the event of an emergency. There is no alternate route for vessel traffic; however, vessels that can pass under the closed draws during this closure may do so at any time.

The Coast Guard will inform the users of the waterway through our Local Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 5, 2015.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2015–20118 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0563]

RIN 1625–AA00

Safety Zone, Indian River Bay; Millsboro, Delaware

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Indian River Bay adjacent to Millsboro, Delaware. The safety zone will restrict vessel traffic in Indian River Bay within a 200 foot radius of a fireworks barge. This safety zone is necessary to protect the surrounding public and vessels from the hazards associated with a fireworks display.

DATES: This rule is effective from 8:45 p.m. to 10:15 p.m. on August 22 and September 26, 2015 with rain date of August 23 and September 27, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0563]. 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 temporary rule, call or email Lieutenant Brennan Dougherty, U.S. Coast Guard, Sector Delaware Bay, Chief Waterways Management Division, Coast Guard; telephone (215) 271–4851, email *Brennan.P.Dougherty@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
COTP Captain of the Port

A. Regulatory History and Information

The Coast Guard is issuing this final rule after publication of NPRM USCG–2015–0563 (80 FR 42072; Jul. 16, 2015) which received no comments.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of this safety zone is to protect mariners and spectators from the hazards associated with the fireworks display, such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

C. Discussion of the Final Rule

The Captain of the Port, Delaware Bay, is establishing a safety zone on specified waters that will encompass all waters of Indian River Bay, within a 200 foot radius of the fireworks barge in approximate position 38–36.58 N., 075–09.00 W., adjacent to Millsboro, Delaware. The safety zone will be effective from 8:45 p.m. to 10:15 p.m. on August 22 and September 26, 2015, unless cancelled earlier by the Captain of the Port. Should inclement weather require cancellation of the fireworks display on the above scheduled dates, the safety zone will be effective from 8:45 p.m. to 10:15 p.m. on August 23 and September 27, 2015, respectively.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Delaware Bay, or his designated representative. The Captain of the Port, Delaware Bay, or his representative may be contacted via VHF channel 16 or at 215–271–4807.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this regulation will restrict access to the regulated area, the effect of this rule will not be significant because: (i) The Coast Guard will make extensive notification of the Safety Zone to the maritime public via maritime advisories so mariners can alter their plans accordingly; (ii) vessels may still be permitted to transit through the safety zone with the permission of the Captain of the Port on a case-by-case basis; and (iii) the size and duration of the zone are relatively limited in scope.

2. Impact on Small Entities

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

This proposed rule would affect the following entities, some of which may be small entities: The owners or

operators of vessels intending to anchor or transit along Indian River Bay, adjacent to Millsboro, Delaware, on August 22 and September 26, 2015, from 8:45 p.m. until 10:15 p.m., unless cancelled earlier by the Captain of the Port.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reason: vessel traffic will be allowed to pass through the zone with permission of the Coast Guard Captain of the Port, Delaware Bay, or his designated representative and the safety zone is limited in size and duration. The Coast Guard will issue maritime advisories widely available to users of Indian River Bay.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do 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 proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 165, applicable to safety zones on the navigable waterways. This zone will temporarily restrict vessel traffic from anchoring or transiting a portion of Indian River Bay near Millsboro, Delaware, in order to protect the safety of life and property on the waters while a fireworks display is conducted. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary 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 proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T05–0563, to read as follows:

§ 165.T05–0563 Safety Zone, Indian River Bay; Millsboro, DE

(a) *Regulated area.* The following area is a safety zone: All waters of Indian River Bay within a 200 foot radius of a fireworks barge located approximately at position 38–36.58 N, 075–09.00 W near Millsboro, Delaware.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to this safety zone created by this section § 165.T05–0563.

(1) All persons and vessels are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port or his designated representative.

(2) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation; and

(iii) Emergency response vessels.

(3) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(4) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(5) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the permission of the Captain of the Port; and

(c) *Definitions.* (1) *Captain of the Port* means the Commander, Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This safety zone will be effective on August 22 and September 26, 2015, from 8:45 p.m. until 10:15 p.m., unless cancelled earlier by the Captain of the Port. Should inclement weather require cancellation of the fireworks display on the above scheduled dates, the safety zone will be enforced between 8:45 p.m. and 10:15 p.m. on August 23 and September 27, 2015, unless cancelled earlier by the Captain of the Port.

Dated: August 5, 2015.

B. A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015–20113 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0646]

RIN 1625–AA00

Safety Zones; Marine Events Held in the Sector Long Island Sound Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing six safety zones for fireworks displays within the Coast Guard Sector Long Island Sound (LIS) Captain of the Port (COTP) Zone. This temporary final rule is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within these safety zones is prohibited unless authorized by COTP Sector LIS.

DATES: This rule is effective without actual notice from 12:01 a.m. on August 14, 2015 until 11 p.m. on August 23, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, July 29, 2015, until August 14, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0646]. 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, contact Petty Officer Ian Fallon, Prevention Department, Coast Guard Sector Long Island Sound, telephone (203) 468–4565, email *Ian.M.Fallon@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
NAD 83 North American Datum 1983

A. Regulatory History and Information

This rulemaking establishes six safety zones for six fireworks displays. Each event and its corresponding regulatory history are discussed below.

Sag Harbor Fire Department Fireworks is a first time marine event with no regulatory history.

Sebonack Golf Club Fireworks is a reoccurring marine event with regulatory history and is cited in 33 CFR 165.151(7.44). This event has been included in this rule due to deviation from the date and location in this cite.

Wood Family Celebration Fireworks is a first time marine event with no regulatory history.

Baker Annual Summer Celebration is a recurring marine event with regulatory history. A safety zone was established for this event on August 16, 2014 via a temporary final rule entitled, ''Safety Zones; Marine Events in Captain of the Port Long Island Zone''. This rule was published on August 18, 2014 in the **Federal Register** (79 FR 48685).

Clinton Chamber of Commerce Fireworks is a first time marine event with no regulatory history.

Old Black Point Beach Fireworks is a reoccurring marine event with regulatory history and is cited in 33 CFR 165.151(8.3). This event has been included in this rule due to deviation from the location in this cite.

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 an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. There is insufficient time to publish an NPRM and solicit comments from the public before these events take place. Thus, waiting for a comment period to run

would inhibit the Coast Guard's ability to fulfill its mission to keep the ports and waterways safe.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

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

Six fireworks displays will take place in the Coast Guard Sector LIS COTP Zone between August 7, 2015 and August 23, 2015. The COTP Sector LIS has determined that the six safety zones established by this temporary final rule are necessary to provide for the safety of life on navigable waterways during those events.

Sag Harbor Fire Department Fireworks will be held at a land launch at Havens Beach, Sag Harbor, NY.

Sebonack Golf Club Fireworks will be held on Peconic Bay, Southampton, NY.

Wood Family Celebration Fireworks will be held on Peconic Bay, Jamesport, NY.

Baker Annual Summer Celebration will be held on Flanders Bay, Southampton, NY.

Clinton Chamber of Commerce Fireworks will be held at a land launch at Clinton Town Beach, Clinton, CT.

Old Black Point Beach Fireworks will be held at a land launch at Old Black Point Beach, Niantic, CT.

C. Discussion of the Final Rule

This rule establishes six safety zones for six fireworks displays. The location of these safety zones are as follows:

FIREWORKS DISPLAYS SAFETY ZONES

1 Sag Harbor Fire Department Fireworks.	Location: All waters of the Sag Harbor Bay, Sag Harbor, NY within 140 feet of the land launch site in approximate position 41°00′02″ N., 072°17′02″ W. (NAD 83).
2 Sebonack Golf Club Fireworks	Location: All waters of Peconic Bay, Southampton, NY within 600 feet of the land launch site in approximate position 40°54′49.92″ N., 072°27′39.28″ W. (NAD 83).
3 Wood Family Celebration Fireworks.	Location: All waters of Port Little Peconic Bay within 800 feet of the fireworks barge located in approximate position 40°57′59.05″ N., 072°23′44.93″ W. (NAD 83).
4 Baker Annual Summer Celebration.	Location: All waters of Flanders Bay near Jamesport, NY within 600 feet of the fireworks barge located in approximate position 40°55′51.84″ N., 072°35′07.92″ W. (NAD 83).
5 Clinton Chamber of Commerce Fireworks.	Location: All waters of Clinton Harbor within 420 feet of the land launch site in approximate position 41°15′59″ N., 072°31′09″ W. (NAD 83).
6 Old Black Point Beach Fireworks.	Location: All waters of Long Island Sound, Niantic, CT within 560 feet of the land launch site in approximate positions, 41°17′36.6″ N., 072°13′06.9″ W. (NAD 83).

These fireworks displays will launch pyrotechnics from either a landsite near a waterway or from a barge on a waterway. Regulated areas, specifically safety zones, are required for these fireworks displays to protect both spectators and participants from the safety hazards created by the fireworks displays, including unexpected pyrotechnics detonation and burning debris.

This rule prevents vessels from entering, transiting, mooring, or anchoring within areas specifically designated as a safety zone and restricts vessel movement around the location of the marine event to reduce the safety risks associated with them during the periods of enforcement unless authorized by the COTP or designated representative.

The Coast Guard will notify the public and local mariners of these safety zones through appropriate means, which may include, but are not limited to, publication in the **Federal Register**, the Local Notice to Mariners, and Broadcast Notice to Mariners.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: (1) The enforcement of these safety zones will be relatively short in duration; (2)persons or vessels desiring to enter a safety zone may do so with permission from the COTP Sector LIS or a designated representative; (3) these safety zones are designed in a way to limit impacts on vessel traffic, permitting vessels to navigate in other portions of the waterways not designated as a safety zone; and (4) the Coast Guard will notify the public of the enforcement of this rule via appropriate means, such as via Local Notice to Mariners and Broadcast Notice to Mariners to increase public awareness of these safety zones.

2. Impact on Small Entities

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

This temporary final rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit, anchor, or moor within a safety zone during the periods of enforcement, from August 7, 2015 to August 23, 2015. However, this temporary final rule will not have a significant economic impact on a substantial number of small entities for the same reasons discussed in the Regulatory Planning and Review section.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, 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 proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

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 temporary rule involves the establishment of safety zones. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0646 to read as follows:

§ 165.T01–0646 Safety Zones; Marine Events Held in the Sector Long Island Sound Captain of the Port Zone.

(a) *Regulations.* The general regulations contained in 33 CFR 165.23 apply as well as the following regulations apply to the events listed in the TABLE 1 of § 165.T01–0646.

(b) *Enforcement period.* This rule will be enforced on the dates and times listed for each event in TABLE 1 to § 165.T01–0646. If the event is delayed by inclement weather, the safety zone will be enforced on the rain date indicated in TABLE 1 of § 165.T01–0646.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A ''designated representative'' is any commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound, to act on his or her behalf.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(d) Vessels desiring to enter or operate within a safety zone should contact the

COTP or the designated representative via VHF channel 16 or by telephone at (203) 468–4401 to obtain permission to do so. Vessels given permission to enter or operate in a safety zone must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(e) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. While members of the Coast Guard Auxiliary will not serve as the designated representative, they may be present to inform vessel operators of this regulation.

(f) Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

TABLE 1 TO § 165.T01–0646

Fireworks Events	
(1) Sag Harbor Fire Department Fireworks.	• Date: August 7, 2015. • Rain Date: August 8, 2015. • Time: 9:15 p.m. to 10:45 p.m. • Location: All waters of the Sag Harbor Bay, Sag Harbor, NY within 140 feet of the land launch site in approximate position 41°00′02″ N., 072°17′02″ W. (NAD 83).
(2) Sebonack Golf Club Fireworks	• Date: August 7, 2015. • Rain Date: August 8, 2015. • Time: 8:30 p.m. to 10:30 p.m. • Location: All waters of Peconic Bay, Southampton, NY within 600 feet of the land launch site in approximate position 40°54′49.92″ N., 072°27′39.28″ W. (NAD 83).
(3) Wood Family Celebration Fireworks.	• Date: August 15, 2015. • Rain Date: August 16, 2015. • Time: 9:30 p.m. to 10:50 p.m. • Location: All waters of Port Little Peconic Bay within 800 feet of the fireworks barge located in approximate position 40°57′59.05″ N., 072°23′44.93″ W. (NAD 83).
(4) Baker Annual Summer Celebration.	• Date: August 15, 2015. • Rain Date: August 16, 2015. • Time: 8:30 p.m. to 10:30 p.m. • Location: All waters of Flanders Bay near Jamesport, NY within 600 feet of the fireworks barge located in approximate position 40°55′51.84″ N., 072°35′07.92″ W. (NAD 83).
(5) Clinton Chamber of Commerce Fireworks.	• Date: August 22, 2015. • Rain Date: August 23, 2015. • Time: 8:30 p.m. to 10:30 p.m. • Location: All waters of Clinton Harbor within 420 feet of the land launch site in approximate position 41°15′59″ N.; 072°31′09″ W. (NAD 83).
(6) Old Black Point Beach Fireworks.	• Date: August 22, 2015. • Rain Date: August 23, 2015. • Time: 8:00 p.m. to 11:00 p.m. • Location: All waters of Long Island Sound, Niantic, CT within 560 feet of the land launch site in approximate positions, 41°17′36.6″ N, 072°13′06.9″ W. (NAD 83).

Dated: July 29, 2015.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2015–20116 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0699]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email MST1 Daniel Vazquez, Coast Guard; telephone 718–354–4197, email *daniel.vazquez@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.160 on the specified dates and times as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. Pyro Engineering, South Ellis Island Safety Zone, 33 CFR 165.160(2.2).	• Launch site: A barge located in approximate position 40°41′39.9″ N. 074°02′33.7″ W. (NAD 1983), about 260 yards south of Ellis Island. This Safety Zone is a 240-yard radius from the barge.

TABLE 1—Continued

2. Indo American Festival, Pier 16 East River Safety Zone, 33 CFR 165.160(3.11).	• Date: September 23, 2015. • Time: 09:30 p.m.–11:00 p.m. • Launch site: All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the southeast corner of Pier 6, Manhattan. A barge located in approximate position 40°42′12.5″ N. 074°00′02″ W. (NAD 1983), approximately 200 yards east of Pier 16. This Safety Zone is a 180-yard radius from the barge.
4. Briggs-Lexus, The Battery, Hudson River Safety Zone, 33 CFR 165.160(5.2).	• Date: September 13, 2015. • Time: 07:00 p.m.–08:30 p.m. • Launch site: A barge located in approximate position 40°42′00″ N. 074°01′17″ W. (NAD 1983), approximately 500 yards south of The Battery, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge.
5. Viacom Corporate Celebration, Pier 90, Hudson River Safety Zone, 33 CFR 165.160(5.4).	• Date: October 12, 2015. • Time: 09:50 p.m.–11:00 p.m. • Launch site: A barge located in approximate position 40°46′11.8″ N. 074°00′14.8″ W. (NAD 1983), approximately 375 yards west of Pier 90, Manhattan, New York. This Safety Zone is a 360-yard radius from the barge. • Date: August 6, 2015. • Time: 09:00 p.m.–09:30 p.m.

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

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts.

If the COTP determines that a safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the safety zone.

Dated: July 24, 2015.

M.H. Day,

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

[FR Doc. 2015–20112 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2015–OSERS–0070]

Final Priority and Definitions—Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center-Targeted Communities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority and definitions.

[CFDA Number: 84.264F.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority and definitions under the Rehabilitation Training program to fund a cooperative agreement to develop and support a Vocational Rehabilitation Technical Assistance Center for Targeted Communities (VRTAC–TC). The Assistant Secretary may use the priority and definitions for competitions in fiscal year (FY) 2015 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the VRTAC–TC to improve the capacity of State vocational rehabilitation (VR) agencies and their partners to increase participation levels for individuals with disabilities from low-income communities and to equip these individuals with the skills and competencies needed to obtain high-quality competitive integrated employment.

DATES: *Effective Date:* The priority and definitions are effective September 14, 2015.

FOR FURTHER INFORMATION CONTACT: Felipe Lulli, U.S. Department of Education, 400 Maryland Avenue SW., Room 5054, Potomac Center Plaza (PCP), Washington, DC 20202–2800. Telephone: (202) 245–7425 or by email: *felipe.lulli@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: Under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Services Administration (RSA) makes grants to States and public or nonprofit agencies and organizations (including institutions of higher education (IHEs)) to support projects that provide training, traineeships, and technical assistance (TA) designed to increase the numbers of, and improve the skills of, qualified personnel, especially rehabilitation counselors, who are trained to provide vocational, medical, social, and psychological rehabilitation services to individuals with disabilities; assist individuals with communication and related disorders; and provide other services authorized under the Rehabilitation Act.

Program Authority: 29 U.S.C. 772(a)(1).

Applicable Program Regulations: 34 CFR part 385.

We published a notice of proposed priority and definitions (NPP) for this competition in the **Federal Register** on June 26, 2015 (80 FR 36736). That notice contained background information and

our reasons for proposing the particular priority and definitions. Other than minor, technical revisions, there are no differences between the proposed priority and definitions and the final priority and definitions.

Public Comment: In response to our invitation in the NPP, three parties submitted comments.

Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority and definitions since publication of the NPP follows.

Comment: One commenter suggested that consideration be given under paragraph (c) of the Application Requirements, ''Quality of the Evaluation Plan,'' to plans that have a strong qualitative evaluation component, such as measuring outcomes that include a focus on positive deviance and those factors associated with successful employment outcomes.

Discussion: We agree with the commenter that qualitative evaluation components should be an important aspect of the evaluation plan for the priority. We believe that the requirements in the priority sufficiently address any concern about strong qualitative evaluation. We decline to require applicants to propose an evaluation plan with a focus on the specific qualitative components that the commenter suggests, as we want applicants to have the flexibility to propose an evaluation plan that is tailored to the applicants' specific proposed projects. However, nothing in the priority precludes applicants from including in their evaluation plan the components suggested by the commenter.

Changes: None.

Comment: One commenter suggested we include in the definition of ''high-leverage groups with national applicability'' a category for individuals with disabilities of employable age who are living in institutional or similar settings. The commenter noted that there are many individuals living in such settings who are waiting for long periods to receive community and employment supports, but who would want or need to work.

Discussion: We agree that providing community living and employment supports to individuals who are living in institutional or similar settings addresses an important problem, but the priority is not intended to address the lack of community-based supports for individuals residing in these types of settings. Rather, the priority is designed to improve VR participation and employment outcomes for individuals who are living in low-income communities, and for whom poverty creates additional barriers to VR participation. Of course, there may be some overlap with individuals with disabilities who live in community group homes or similar situations in low-income areas. To the extent that these overlaps exist, the individuals highlighted by the commenter would directly benefit from this priority.

Changes: None.

Comment: One commenter recommended that a mix of rural and urban settings be considered in selecting the targeted communities because resources, employment options, and other characteristics differ greatly between urban and rural settings.

Discussion: We agree that the issues facing individuals with disabilities living in rural areas often differ from issues facing individuals with disabilities in urban areas. Residents of rural and remote areas are included in the definition of ''high-leverage groups with national applicability,'' and therefore could be addressed in the TA provided by the VRTAC–TC. Additionally, in reviewing the TA proposals from the VRTAC–TC, RSA will ensure that the selected targeted communities reflect a wide variety of communities.

Changes: None.

Comment: One commenter recommended that we include the analysis of findings and best practices available from the PROMISE (Promoting Readiness of Minors in Social Security Income) grant sites as a first-year activity for the VRTAC, because PROMISE grant sites also seek to establish collaborative, wrap-around services, though for children receiving Supplemental Security Income (SSI).

Discussion: Nothing in the priority would preclude an applicant from including the review of available information from PROMISE projects in its proposed knowledge development activities. However, please note that while such projects may be able to provide valuable information on lessons learned in the implementation of collaborative service strategies during the first year of the VRTAC–TC, it is unlikely that new findings on best practices will be available during this time period.

Changes: None.

Comment: One commenter indicated a concern about the lack of regionally based TA that was formerly provided by the Regional Technical Assistance and Continuing Education (TACE) centers.

Discussion: We recognize the commenter's concern, and it is one that was raised and addressed in the notice of final priority for the Job-Driven Vocational Rehabilitation Technical Assistance Center (79 FR 48983). The VRTAC–TC is not intended to provide comprehensive TA to State VR agencies in the way that the TACE centers were intended to do. Instead, the VRTAC–TC will focus on addressing the long-term and systemic issues facing persistently under-served communities across the Nation (including in eight of the nine Census divisions). While we intend that the communities chosen and the strategies developed for responding to their needs will have national applicability, not all State VR agencies will be able to use all of the tools or resources developed by the VRTAC–TC. However, we believe that across RSA's suite of TA investments, the varying needs of State VR agencies will be adequately met, despite RSA's decision not to continue support for the TACE program.

Changes: None.

Final Priority:

The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for a cooperative agreement to establish a Vocational Rehabilitation Technical Assistance Center for Targeted Communities (VRTAC–TC) to provide technical assistance (TA) and training to upgrade and increase the competency, skills, and knowledge of vocational rehabilitation (VR) counselors and other professionals to assist economically disadvantaged individuals with disabilities (as defined in this notice) to achieve competitive integrated employment outcomes.

The VRTAC–TC will facilitate linkages for the State VR agencies through substantial outreach to partner agencies within targeted communities (as defined in this notice) to increase the resources and key partnerships needed to address the daily living stressors that often result in unsuccessful VR case closures, including childcare needs, homelessness, hunger, safety concerns, interpersonal issues, and lack of transportation, basic or remedial education services, and literacy services.

TA and Training Deliverables

The VRTAC–TC must, at a minimum, develop and provide training, TA, and opportunities for ongoing discussion in each of the following areas to rehabilitation professionals and staff from both (1) the State VR agencies and partner agencies who are serving the targeted communities, and (2) diverse service providers throughout the Nation, including State VR agency staff, who work with high-leverage groups with

national applicability (as defined in this notice) in other economically disadvantaged communities similar to the targeted communities that are the focus of this priority:

(a) Developing and maintaining formal and informal partnerships and relationships with relevant stakeholders (including, but not limited to, State and local social service and community development agencies, correctional facilities, community rehabilitation programs (CRPs), school systems, and employers) for the following coordinated activities:

(1) Increasing referrals to the State VR system for economically disadvantaged individuals with disabilities from at least two high-leverage groups with national applicability residing in each of the targeted communities; and

(2) Facilitating the provision of support services by stakeholders to VR consumers and applicants from at least two high-leverage groups with national applicability residing in each of the targeted communities;

(b) Developing and implementing outreach policies and procedures based on evidence-based and promising practices that ensure that consumers with disabilities from each of the targeted communities are located, identified, and evaluated for services; and

(c) Developing and implementing collaborative and coordinated service strategies designed to increase the number of consumers with disabilities from targeted communities who are served by the State VR agencies, receive support services from other stakeholders, and obtain, maintain, regain, or advance in competitive integrated employment.

Project Activities:

To meet the requirements of this priority, the VRTAC–TC must, at a minimum, conduct the following activities:

Knowledge Development Activities

(a) Within the first year, survey each of the 80 State VR agencies regarding the action steps, including emerging, promising, and evidence-based practices utilized, that the VR agencies have previously used to address substandard participation levels and performance outcomes achieved by residents of targeted communities within their States;

(b) Within the first year, conduct a literature review of emerging, promising, and evidence-based practices relevant to the work of the VRTAC–TC. The review should include, at a minimum, research on place-based interventions and the particular needs of economically disadvantaged individuals with disabilities;

(c) By the end of the first year, post on its Web site the results of its survey and literature review; and

(d) Categorize, analyze, and provide an opportunity for interactive commentary by VR professionals about all information posted on its Web site in order to identify the workforce participation challenges and resources that underserved individuals with disabilities (as defined in this notice) from economically disadvantaged communities tend to have in common and to identify examples of the types of VR services that have been used to address their employment and training needs. This interactive process should facilitate both evaluating and adjusting the ongoing and planned interventions within the targeted communities and the development of effective practices for the nationwide VR community.

Targeted Community Selection and Development

(a) In the first year, survey each of the 80 State VR agencies to identify two or more groups of underserved individuals with disabilities from one or more targeted communities in each of their respective States. All identified targeted communities in each State must meet the eligibility requirements for designation as an Empowerment Zone under either 24 CFR 598.100 or 7 CFR 25.100;

(b) Develop intensive TA (as defined in this notice) proposals for at least 20 targeted communities to present to the Rehabilitation Services Administration (RSA). The proposals must:

(1) Include communities that reflect national diversity with respect to State, region, and culture. Communities must be situated in at least 12 States and territories located within no fewer than eight of the nine Census Divisions (State groupings) defined by the U.S. Census Bureau (For more information on Census Divisions, see *www.census.gov/geo/reference/gtc/gtc_census_divreg.html*). No more than two targeted communities may be located within any one State or territory, and no more than four may be located within any one Census Division; and

(2) Include the following information for each targeted community recommended:

(A) A map that shows the targeted community's boundaries and relevant demographic characteristics, including poverty concentration;

(B) Documentation that within the targeted community's boundaries:

(i) The median household income is below 200 percent of the Federal poverty level; and

(ii) The rate of unemployment is at or above the national annual average rate;

(C) A performance chart of State VR agency data that documents substandard participation levels and performance outcomes achieved by VR consumers and applicants from high-leverage groups with national applicability from the targeted communities in comparison to the State's overall performance that includes the following for all relevant groups:

(i) The number of applicants and percentage of the overall population;

(ii) The number and percentage of individuals determined eligible;

(iii) The number and percentage of individuals receiving VR services pursuant to an individualized plan for employment;

(iv) The number and percentage of individuals whose service records were closed without employment; and

(v) The number and percentage of individuals whose service records were closed after achieving employment;

(D) A brief (one or two pages) overview by the State VR agency addressing the following for high-leverage groups with national applicability from the targeted communities:

(i) The factors that the agency believes have contributed to the substandard performance outlined in the chart; and

(ii) Action steps that the VR agency has previously taken to address these performance gaps;

(E) A two- or three-page proposed intensive TA work plan by the VRTAC–TC that addresses:

(i) The performance gaps summarized in the chart required by paragraph (b)(2)(C) of this section;

(ii) The barriers to employment described in the State VR agency's overview statement required by paragraph (b)(2)(D) of this section;

(iii) The strategies being proposed to remediate the identified barriers in the targeted community;

(iv) The potential replicability of the strategies in the work plan for targeted communities in other parts of the State; and

(v) The potential to replicate the strategies in the work plan for targeted communities in other States; and

(F) Letters of support from the State VR agency and partners in the community (*e.g.,* employers, secondary and post-secondary educational institutions, and community leaders) stating their intent to work cooperatively with the VRTAC–TC should the targeted community be chosen as a recipient of intensive TA.

Targeted Community Timeline

(a) By the end of the first year, provide RSA with, at minimum, 10 proposals (as described in paragraph (b) of the ''Targeted Community Selection and Development'' section of this priority) from which RSA will select six to receive intensive TA from the VRTAC–TC;

(b) By no later than the third quarter of the second year provide RSA with, at minimum, 10 proposals (as described in paragraph (b) of the ''Targeted Community Selection and Development'' section of this priority) in addition to the proposals described in paragraph (a) of this section, from which RSA will select six to receive intensive TA from the VRTAC–TC;

(c) By no later than the first quarter of the second year, begin providing intensive TA to VR staff, CRPs, employers, education and training entities, and community leaders, as appropriate, in at least three of the targeted communities approved by RSA in the first year;

(d) By no later than the third quarter of the second year, be providing intensive TA to VR staff, CRPs, employers, education and training entities, and community leaders, as appropriate, in all targeted communities approved by RSA in the first year;

(e) By no later than the first quarter of the third year, begin providing intensive TA to VR staff, CRPs, employers, education and training entities, and community leaders, as appropriate, in at least three of the targeted communities approved by RSA in the second year; and

(f) By no later than the third quarter of the third year, be providing intensive TA to VR staff, CRPs, employers, education and training entities, and community leaders, as appropriate, to all targeted communities approved by RSA in the second year.

Technical Assistance Activities

(a) At a minimum, provide intensive TA that is aligned with the proposals described in paragraph (b) of the ''Targeted Community Selection and Development'' section of this priority to the VR agency within each of the targeted communities on the following topic areas, as appropriate:

(1) Using labor market data and occupational information to provide individuals with disabilities from high-leverage groups with national applicability who reside in targeted communities with information about job demand, skills matching, supports, education, training, and career options;

(2) Providing disability-related consultation and services to employers about competitive integrated employment of economically disadvantaged individuals with disabilities from high-leverage groups with national applicability;

(3) Building and maintaining relationships in targeted communities with industry leaders, employer associations, and prospective employers of economically disadvantaged individuals with disabilities from high-leverage groups with national applicability;

(4) Building and maintaining relationships with secondary and post-secondary institutions and CRPs that serve to support transition activities and leverage programs and providers of basic education, remedial learning, and literacy services to the targeted communities and are committed to providing individualized wrap-around VR services that are attuned to the remedial and ongoing support services needed by economically disadvantaged individuals with disabilities;

(5) Building and maintaining alliances with schools, community organizations, and business leaders with a heightened understanding of the acculturation and assimilation issues within the targeted communities regarding culture, religion, language, dialect, and socioeconomic status that might be impeding full participation of the economically disadvantaged individuals with disabilities from high-leverage groups with national applicability; and

(6) Developing services for providers of customized training and other types of training that are directly responsive to employer needs and hiring requirements for economically disadvantaged individuals with disabilities from high-leverage groups with national applicability;

(b) By the end of the first year, post on its Web site State agency overview statements specific to high-leverage groups with national applicability along with related VR research studies identified by the VRTAC–TC;

(c) Establish no fewer than two communities of practice with the following areas of focus:

(1) One community of practice should be designed to specifically support State VR agency and related agency staff and management serving targeted communities; and

(2) One community of practice should be designed to be open to all staff and management serving economically disadvantaged communities nationwide and to address the employment needs of individuals with disabilities in those communities;

(d) Ensure that the communities of practice described in paragraph (c) of this section focus on partnerships across service systems designed to develop, implement, adjust, support, and evaluate VR processes and strategies for promoting competitive integrated employment for high-leverage groups with national applicability from targeted communities; and

(e) Develop and make available to State VR agencies and their associated rehabilitation professionals and service providers a range of targeted TA and general TA products and services designed to increase VR participation levels and outcomes achieved by individuals with disabilities from targeted communities. This TA must include, at a minimum, the following activities:

(1) Developing and maintaining a state-of-the-art information technology (IT) platform sufficient to support Webinars, teleconferences, video conferences, and other virtual methods of dissemination of information and TA; and

Note: All products produced by the VRTAC–TC must meet government and industry-recognized standards for accessibility, including section 508 of the Rehabilitation Act. In meeting these requirements, the VRTAC–TC may either develop a new platform or system, or modify existing platforms or systems, so long as the requirements of the priority are met.

(2) Ensuring that all TA products are sent to the National Center for Rehabilitation Training Materials, including course curricula, audiovisual materials, Webinars, and examples of emerging and best practices related to this priority;

(f) During the fourth quarter of both the second year and the fourth year, develop and implement year-end national State VR agency forums dedicated to discussing the progress and lessons learned from the targeted communities; and

(g) During the fourth quarter of the fifth year, present a national results meeting to State VR agencies to review the data collected, best practices developed, and lessons learned from the intensive intervention sites served within the 12 targeted communities, as well as the communities of practice described in paragraph (c) of this section.

Coordination Activities

(a) Facilitate communication and coordination on an ongoing basis with other Federal agencies, State agencies, and local government workforce development partners, as well as private and nonprofit social service agencies and other VR TA centers funded by RSA, in order to:

(1) Maximize existing individual and community assets to effectively address socioeconomic issues that impact employment and overall well-being;

(2) Create a mechanism for partner organizations and community members to participate in the VR program planning process, including brainstorming and vetting new ideas and approaches to VR service provision;

(3) Create an active online community of practice that addresses the needs of participants;

(4) Organize the online community of practice to address both general barriers to employment faced by individuals with disabilities from targeted communities, and barriers to employment faced by individuals with disabilities from diverse high-leverage groups with national applicability including, but not limited to, adjudicated adults and youth, persons with multiple disabilities, and high school dropouts; and

(5) Provide greater access for targeted communities to culturally relevant VR services provided by State VR agency personnel with the support of VRTAC–TC staff and community partners;

(b) Communicate and coordinate, on an ongoing basis, with the communities of practice described in paragraph (c) of the ''Technical Assistance Activities'' section of this priority; and

(c) Maintain ongoing communications with the RSA project officer.

Application Requirements:

To be funded under this priority, applicants must meet the following application requirements. RSA encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application, under ''Significance of the Project,'' how the proposed project will—

(1) Recruit State VR agencies to identify targeted communities with intensive TA needs to take part in the services supported by this priority, including a detailed description of the primary factors and processes proposed to facilitate the identification and selection of these communities;

(2) Address State VR agencies' capacity to meet the employment and training needs of individuals with disabilities from high-leverage groups with national applicability from targeted communities. To meet this requirement, the applicant must:

(i) Demonstrate knowledge of emerging and best practices in conducting outreach and providing VR services to applicants and consumers from economically disadvantaged communities; and

(ii) Demonstrate knowledge of emerging and best practices in conducting outreach and providing VR services to high-leverage groups with national applicability that are frequently reported as underserved or achieving substandard employment outcomes in statewide comprehensive needs assessments, VR-related research studies, or monitoring reports prepared by RSA pursuant to periodic onsite monitoring visits; and

(3) Result in increases both in the number of individuals with disabilities from high-leverage groups with national applicability receiving services from State VR agencies within targeted communities and the number and quality of employment outcomes in competitive integrated employment achieved by these individuals;

(b) Demonstrate, in the narrative section of the application, under ''Quality of Project Services,'' how the proposed project will—

(1) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes;

(ii) A plan for how the proposed project will achieve its intended outcomes; and

(iii) A plan for communicating and coordinating with key staff in State VR agencies, State and local partner programs, RSA partners such as the Council of State Administrators of Vocational Rehabilitation and the National Council of State Agencies for the Blind, and other TA Centers and relevant programs within the Departments of Education, Labor, and Commerce;

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

(3) Be based on current research and make use of evidence-based and promising practices;

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project;

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes; and

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration;

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how the proposed project will—

(1) Measure and track the effectiveness of the TA provided. To meet this requirement, the applicant must describe its proposed approach to—

(i) Collecting data on the effectiveness of the TA activity from State VR agencies, partners, or other sources, as appropriate; and

(ii) Analyzing data and determining the effectiveness of the TA provided for at least two high-leverage groups with national applicability residing in each of the 12 targeted communities. This process includes evaluation of the effectiveness of current practices within the selected targeted communities throughout the project period, with a goal of demonstrating substantial progress towards achieving outcome parity for the high-leverage groups and other targeted groups with the State VR agency's overall performance with respect to number of applications received and processed, eligibility assessments completed, and both the number and quality of employment outcomes achieved;

(2) Conduct an evaluation of progress made by all of the targeted communities on an annual basis. At the end of the final year of the project, the VRTAC–TC will submit a final report on the project performance to detail the outcomes of individuals with disabilities in the targeted communities. The evaluation will utilize multiple data points as evidence of progress as compared to the baseline established at the beginning of the project, including State VR agency reported data, changes in State policies and procedures, customer surveys, and State personnel input, as well as any other relevant stakeholder input; and

(3) Collect and analyze preliminary quantitative and qualitative data of VR services facilitated and the outcomes achieved by economically disadvantaged individuals with disabilities in at least one other part of the State in which a targeted community is located. State VR personnel from the targeted communities approved by RSA within the first year will serve as trainers for colleagues in other parts of the State by applying or modifying the strategies learned from the VRTAC–TC;

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to provide TA to State VR agencies and their partners for each of the activities in this priority and to achieve the project's intended outcomes;

(2) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(3) The proposed costs are reasonable in relation to the anticipated results and benefits;

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes, including an assurance that such personnel will have adequate availability to ensure timely communications with stakeholders and RSA;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in its development and operation.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Definitions:

The Assistant Secretary announces the following definitions for this program. We may apply one or more of these definitions in any year in which this program is in effect.

Economically disadvantaged individuals with disabilities means individuals with disabilities who are from a household with a median household income below 200 percent of the Federal poverty level; individuals receiving Federal financial assistance through Temporary Assistance to Needy Families (TANF), Social Security Disability Insurance (SSDI), or Supplemental Security Income (SSI); or individuals residing in public housing and participating in the Section 8 housing-choice voucher program.

General technical assistance (TA) means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

High-leverage groups with national applicability means groups of individuals with disabilities who are frequently identified by State VR agencies throughout the Nation in their statewide comprehensive needs assessments as groups comprised of individuals that are either underserved or who have achieved substandard performance. Examples of these groups include, but are not limited to, the following populations:

(A) Residents of rural and remote communities;

(B) Adjudicated adults and youth;

(C) Youth with disabilities in foster care;

(D) Individuals with disabilities receiving Federal financial assistance through TANF;

(E) Culturally diverse populations, *e.g.,* African Americans, Native Americans, and non-English speaking populations;

(F) High school dropouts and functionally illiterate consumers;

(G) Persons with multiple disabilities, *e.g.,* deaf-blindness, HIV/AIDS-substance abuse; and

(H) SSI and SSDI recipients, including subminimum-wage employees.

Intensive technical assistance (TA) means TA services often provided on-site and requiring a stable, ongoing relationship between the VRTAC–TC staff and the TA recipient. Intensive TA should result in changes to policy, programs, practices, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

Targeted community means any economically disadvantaged community that qualifies as an Empowerment Zone under either 24 CFR 598.100 or 7 CFR 25.100, and in which (a) the median household income is below 200 percent of the Federal poverty level; (b) the unemployment rate is at or above the national average; and (c) as a group, individuals with disabilities have historically sought, been determined eligible for, or received VR services from a State VR agency at less than 65 percent of the average rate for the State VR agency, or who have achieved competitive integrated employment outcomes subsequent to receiving VR services at 65 percent or less of the State VR agency's overall employment outcome level.

Targeted technical assistance (TA) means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

Underserved individuals with disabilities means individuals with disabilities who, because of disability, place of residence, geographic location, age, race, gender, or socioeconomic status, have not historically sought, been determined eligible for, or received VR services at a rate of 65 percent or more of the State's overall service level groups. Underserved individuals include, but are not limited to, subminimum wage employees;

adjudicated youth and adults; culturally diverse populations such as African Americans, Native Americans, and non-English speaking persons; individuals living in rural areas; and persons with multiple disabilities such as deaf-blindness.

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the final priority and definitions only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Rehabilitation Training program have been well established over the years through the successful completion of similar projects. The priority and definitions would better prepare State VR agency personnel to assist individuals with disabilities living in targeted communities to achieve competitive integrated employment in today's challenging labor market.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program. *Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: August 7, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–20014 Filed 8–13–15; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Standards Governing the Design of Curbside Mailboxes

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is replacing USPS STD 7B, which governs the design of curbside mailboxes, with

new USPS STD 7C. The new STD 7C was developed internally to meet the operational requirements of the Postal Service.

DATES: *Effective:* September 14, 2015.

ADDRESSES: Written inquiries regarding the new standards should be mailed to U.S. Postal Service, Delivery Operations ATTN: Vanessa Lawrence, 475 L'Enfant Plaza, Room 7142, Washington, DC 20260–7142.

FOR FURTHER INFORMATION CONTACT: Vanessa Lawrence, *(deliveryoperations@usps.gov),* (202) 268–2567.

SUPPLEMENTARY INFORMATION:

Overview

On April 14, 2015, at 80 FR 19914, the U.S. Postal Service proposed to adopt a new USPS STD 7C, to replace USPS STD 7B which currently governs the design of city and rural curbside mailboxes. Pursuant to the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 508.3.2.1, USPS STD 7 applies to mailboxes manufactured to be erected at the edge of a roadway or curbside of a street and to be served by a carrier from a vehicle on any city route, rural route, or highway contract route. Copies of USPS STD 7, or other information about the manufacture of curbside boxes may be obtained from USPS Engineering, 8403 Lee Highway, Merrifield, VA 22082–8101 (see DMM 608.8.0). We proposed this action because the current standard, effective February 8, 2001 (66 FR 9509–9522), prescribes designs that in several respects are no longer ideal for the operational requirements of the Postal Service. As detailed in our proposal, the design and performance requirements for *new* versions of both locking and non-locking curbside mailboxes were included in the proposed USPS STD 7C. As proposed, the new STD 7C most notably:

- Provided design parameters for a new version of locked and non-locked mailbox designs that can accommodate the insertion and removal of a test gauge measuring 7 inches high by 13 inches wide by 16 inches deep.
- To thwart quick-strike attacks, introduced the requirement that the new locked mailbox designs must pass a 3-minute physical security test of the customer access door (using commonly available hand and pry tools) and a 3-minute manual test to ensure that no mail item can be removed through the front carrier access door.
- Reaffirmed the prohibition of any style of locks, locking devices, or inserts that require the carrier to use a key or restrict or reduce the interior opening of the mailbox, once the front door has been fully opened for *any* approved non-locked curbside mailbox. (To assure the effectiveness of the new minimum parcel capacity requirement under USPS STD 7C, internal obstructions that prevent this requirement from being met would result in a suspension of service when the situation is identified.)
- Introduced minimal door catch and signal flag force tests to ensure those components meet prescribed limits.
- Updated the provisions regarding *Application Requirements* and *Approval or Disapproval* to establish a new 180-day time limit for the submission of a mailbox for security testing (if applicable), and final review after the manufacturer has received approval of a design upon preliminary review.
- Provided updated quality requirements in a new section exclusively concerned with *Quality Management System Provisions.*
- Introduced provisions concerning the use of both USPS and third-party intellectual property, including the requirement that manufacturers agree not to use USPS marks without USPS approval, have sole responsibility for acquiring all necessary licenses for the use of third-party intellectual property, and bear all liability concerning the use of third-party intellectual property regarding any USPS approved mailboxes.

We believe that instituting these mailbox design options will allow for improvement in the Postal Service's capacity for this mode of delivery as vendors choose to produce these curbside mailboxes, and the mailboxes come into widespread use.

As a further matter, we note that the addition of these new design options would not have any impact on any currently approved USPS STD 7B product. Any mailbox manufacturer wishing to seek approval for either or both of the new locked and non-locked design options introduced by USPS STD 7C would follow the process detailed in the new standard.

Comments and Analysis

We received comments from two firms involved in the manufacture of mailboxes. One set of comments focused on the security tests proposed for the new locked, large-capacity designs. The other set of comments covered a broader range of topics, including the timeframe established for the mailbox review process, the number and type of drawings required to accompany a mailbox submitted for approval, certain unintentional errors in the mailbox design figures, the dimensions and color of the mailbox flag, the design and dimensions of the slot for locked mailbox designs, and the need to provide information regarding how to obtain permission for the use of proprietary USPS marks. Our response to these comments is as follows.

Security Tests

With regard to the security testing requirements for locked, large capacity mailboxes set forth in section 4.12 of the proposed standard, one set of comments suggested that we should further standardize the testing process by providing a specific list of ''pry tools, defined even by specific brands and model available in the marketplace,'' to be used in the tests. We declined to accept this suggestion, in the belief that the current, more generic description of ''tools such as screwdrivers, flat plates, knives, pry bars, vise grips, pliers, chisels, and punches'' was adequate for testing purposes.

The same set of comments also suggested that the maximum length of pry tools used for testing should be reduced from 18 inches to reflect the more typical dimensions of such instruments (as well as establish a more reasonable balance between security and cost), and that the manual test for removal of items through an opened carrier access door should specify that no tools were to be used. These suggestions were accepted. The maximum length of pry tools for testing purposes was reduced to 12 inches, and it is specified that no tools were to be used in the manual test.

Mailbox Review Process

The second set of comments questioned certain aspects of the mailbox review process in section 6.1 of the proposed standard, including the 180-day time limit for submitting a mailbox for final review after receiving preliminary approval, and the requirement that two paper drawing sets be provided. These comments addressed the timeframe required to move from a conceptual design to a production unit that can be released for tooling, as well as complete the third-party testing process. The comments also questioned the reliance on 2–D paper drawings, in view of the growing reliance on 3–D electronic drawings for the manufacturing process. These suggestions were accepted. The 180-day time limit was extended to one year, and the requirement for two paper drawings has been replaced by a requirement for one paper drawing set and one electronic drawing set.

Mailbox Design Figures

This set of comments also questioned the width of the mailbox door handles

shown in design Figure 5 of the proposed standards, and suggested that they reflected a change from the current standards of USPS STD 7B. No such dimensional changes were intended, and Figure 5 has been reworked accordingly.

Mailbox Flag Requirements

These comments also suggested the need for clarification of the requirements concerning the flag dimension for traditional mailboxes in Figure 1A, and more specificity regarding the requirement in section 3.9 that the color of the flag present a ''clear contrast'' with the predominant color of the mailbox. These suggestions were not accepted. We believe that such changes to longstanding requirements for boxes already approved under former STD 7B would not be appropriate in this context.

Mailbox Slot Requirements

These comments further questioned the requirement in section 3.1.2.1 that the slot for a locked mailbox measure at least 1.75 inches high by 10 inches wide, suggesting that other shapes (such as a modified trapezoid) that allowed the insertion of the test gauges should be acceptable. This change was not accepted. We believe that the dimensions as proposed will facilitate the delivery of mail to the new boxes by simplifying the carrier's task.

Intellectual Property

With regard to the rules concerning the use of intellectual property in section 3.14 of the proposed standard, these comments also inquired how a manufacturer might obtain a ''license'' to use USPS marks. In response, we have included the online address of the Postal Service's *Rights and Permissions* information in a footnote to that section.

For these reasons, the Postal Service has determined to replace USPS STD 7B with USPS STD 7C as set forth in the Appendix to this document.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Stanley F. Mires,

Attorney, Federal Compliance.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1. Accordingly, for the reasons stated in the preamble, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Remove U.S. Postal Service Standard 7B and add U.S. Postal Service Standard 7C in its place to read as follows:

Appendix

U.S. Postal Service Standard 7C

Mailboxes, Curbside

(USPS STD 7C)

1. Scope and Classification

1.1 *Scope*—This standard covers all curbside mailboxes. Curbside mailboxes are defined as any design made to be served by a carrier from a vehicle on any city, rural, or highway contract route. This standard is not applicable to mailboxes intended for door delivery service (see 8.1).

1.2 *Classifications*—Based on their design, curbside mailboxes are classified as either:

• Non-Locked Mailboxes:

T—Traditional—Full or Limited Service (see 3.1.1, 3.1.1.1, and Figure 1A).

C—Contemporary—Full or Limited Service (see 3.1.1 and 3.1.1.2).

LC—Large Capacity—Full or Limited Service (see 3.1.1, 3.1.1.3, and Figure 1B).

• Locked Mailboxes:

LMS—Locked, Mail Slot Design—Full or Limited Service (see 3.1.2, 3.1.2.1, and Figures 2A and 2B).

LLC—Locked, Large Capacity/USPS Security Tested—Full or Limited Service (see 3.1.2, 3.1.2.2, and Figure 3).

1.3 *Approved Models*

1.3.1 *Approved Models*—A list of manufacturers whose mailboxes have been approved by the United States Postal Service (USPS) will be published annually in the *Postal Bulletin.* A copy of the most current list of approved models is also available from the office listed in 1.3.2.

1.3.2 *Interested Manufacturers*—Manufacturing standards and current information about the manufacture of curbside mailboxes may be obtained by writing to:

USPS ENGINEERING SYSTEMS, DELIVERY AND RETAIL TECHNOLOGY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101.

2. Applicable Documents

2.1 *Specifications and Standards*—Except where specifically noted, the specifications set forth herein apply to all curbside mailbox designs.

2.2 *Government Document*—The following document of the latest issue is incorporated by reference as part of this standard: *United States Postal Service Postal Operations Manual* (POM).

Copies of the applicable sections of the POM can be obtained from USPS Delivery and Retail, 475 L'Enfant Plaza SW., Washington, DC 20260–6200.

2.3 *Non-Government Documents*—The following documents of the latest issue are incorporated by reference as part of this standard:

American Standards for Testing Materials (ASTM)

- ASTM G85 Standard Practice for Modified Salt Spray (Fog) Testing
- ASTM D968 Standard Test Methods for Abrasion Resistance of Organic Coatings by Falling Abrasive

Copies of the ASTM documents can be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.

Underwriters Laboratories (UL)

- UL 771 Night Depositories (Rain Test Only)

Copies of the UL document can be obtained from Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062–2096.

3. Requirements

3.1 *General Design*—Mailboxes must meet regulations and requirements as stipulated by USPS collection and delivery, operation, and policy (see 2.2). This includes carrier door operation (see 3.3), flag operation (see 3.6), incoming mail openings and the retrieval of outgoing mail (see below in 3.1). The manufacturer determines the opening style, design, and size; however, the carrier must be able to deposit the customer's mail. Outgoing mail for full service designs must be able to be pulled straight out of the mailbox without interference from protrusions, hardware, etc. Mailboxes must be capable of passing the applicable testing requirements (see Section 4). Mailboxes must not be made of any transparent, toxic, or flammable material (see 3.2). The mailbox must protect mail from potential water damage which may result from wet weather conditions (see 4.4). Any advertising on a mailbox or its support is prohibited. Additional specific requirements follow.

3.1.1 *Non-Locked Designs (Limited and Full Service)*—Mailbox designs that conform to any of the three design types specified in 3.1.1 will be classified as non-locked with the appropriate sub-designation. Designs incorporating a carrier signal flag (see 3.6) will be classified as full-service mailboxes. Designs with no flag will be classified as limited service (see 3.11). As specified in 3.4, a rear door is permitted to enable the customer to remove mail without standing in the street. The use of any ancillary items (*i.e.,* locks, locking devices, or inserts) that either require the carrier to use a key to gain access to a non-locked mailbox or that restrict or reduce the interior opening of the mailbox, once the front door has been fully opened, is prohibited. *There is no local Postmaster approval exception for this prohibition.*

3.1.1.1 *Traditional Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 1A and meet the limited capacity requirements specified in 4.2.1 will be classified as Traditional (T).

3.1.1.2 *Contemporary Designs (Limited and Full Service)*—Mailbox designs that do not conform to the dome-rectangular shape of Traditional designs but meet the limited

capacity requirements specified in 4.2.1, while not exceeding the maximum dimensions of Figure 1A, will be classified as Contemporary (C).

3.1.1.3 *Large Capacity Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 1B and meet the expanded capacity requirements specified in 4.2.2 will be classified as Large Capacity (LC).

3.1.2 *Locked Designs*—Mailbox designs that conform to either of the two design types specified in 3.1.2 will be classified as Locked with the appropriate sub-designation.

3.1.2.1 *Locked, Mail Slot Designs (Limited and Full Service)*—Mailbox designs that conform to either Figure 2A or 2B and meet the limited-capacity requirements specified in 4.2.1 will be classified as Locked, Mail Slot Design (LMS). This locking design option provides non–USPS-tested security for the customer's incoming mail. Although the shape and design are less restrictive, these Locked mailbox designs must meet the same applicable functional requirements. Designs having a slot for incoming mail must be at least 1.75 inches high by 10 inches wide. If a slot has a protective flap, it must operate inward to ensure mail can be inserted in a horizontal manner without requiring any additional effort by the carriers (see Figure 2B). The slot must be positioned on the front side of the mailbox facing the street. In addition, the slot must be clearly visible and directly accessible by mail carriers. Any designs that allow for outgoing mail must meet all applicable requirements of this standard.

3.1.2.1.1 *Full Service*—Locked mailbox designs of this class allow for both incoming and outgoing mail as depicted in Figure 2A. Both incoming and outgoing mail functionality must be located behind a single carrier service door as shown in Figure 2A. While it is preferred [1] that the outgoing mail function be handled via use of the backside of the front door, any alternate use of a separate outgoing mail compartment, such as beneath or side-by-side with the incoming mail compartment, is permitted provided that no additional carrier service is introduced. All designs must allow the carrier direct access to grasp and retrieve the outgoing mail.

3.1.2.1.2 *Limited Service*—Locked mailbox designs of this class allow only for incoming mail as shown in Figure 2B.

3.1.2.2 *Locked, Large Capacity/USPS-Security-Tested Designs (Limited and Full Service)*—Mailbox designs that conform to Figure 3 and meet both the expanded capacity requirements specified in 4.2.2 and security testing specified in 4.12 will be classified as Locked, Large Capacity/USPS-Security-Tested (LLC).

3.1.2.2.1 *Full Service*—Locked mailbox designs of this class allow for both incoming and outgoing mail as depicted in Figure 3. Both incoming and outgoing mail functionality must be located behind a single carrier service door as shown in Figure 3. While it is preferred [1] that the outgoing mail function be handled via use of the backside of the front door, any alternate use of a separate outgoing mail compartment, such as beneath or side-by-side with the incoming mail compartment, is permitted provided that no additional carrier service is introduced. All designs must allow the carrier direct access to grasp and retrieve the outgoing mail.

3.1.2.2.2 *Limited Service*—Locked mailbox designs of this class allow only for incoming mail. Refer to the two Locked mailbox feature exceptions linked to Note 10 of Figure 3.

3.1.3 *Mailbox Accessories*—Decorative art and devices can be attached to the exterior of approved mailbox designs, provided they do not interfere with mail delivery or present a safety hazard. Devices can also be mounted in the interior of approved mailboxes, provided they do not cause the intended mailbox to fail either capacity test described in 4.2, and do not interfere with mail delivery or present a safety hazard. Any advertising on a mailbox or its support is prohibited. Unrestricted spring-loaded devices and designs are prohibited. Auxiliary flags or devices used to signal the customer that the mail has arrived must operate automatically without requiring additional carrier effort.

3.2 *Materials*—Ferrous or nonferrous metal, wood (restrictions apply), plastic, or other materials may be used, as long as their thickness, form, mechanical properties, and chemical properties adequately meet the operational, structural, and performance requirements set forth in this standard. Materials used must not be toxic, flammable or transparent.

3.2.1 *Mailbox Floor*—The entire bottom area of all mailboxes, where mail would rest, must be fabricated to prevent mail from damage due to condensation or moisture. Except for the internal mail compartment of locked style mailboxes, all designs must not present a lip or protrusion that would prevent the mail from being inserted or pulled straight out of the mailbox. The surface of the floor cannot be made of wood material. The floor must be ribbed as shown in Figures 1A, 1B, 2A, 2B, and 3, or dimpled, embossed, or otherwise fabricated provided the resulting surface area (touching mail) does not exceed the boundary of a square with sides of 0.25 inch (per dimple or impression) and is a minimum of 0.12 inch high on centers not exceeding 1 inch. A mat insert having a raised surface contour may be used for the internal mail compartment of locked style mailboxes only (see Figures 2A, 2B, and 3).

3.2.2 *Carrier Signal Flag*—The carrier signal flag cannot be made of wood. Plastic is the preferred material.

3.2.3 *Door Handle*—The door handle cannot be made of wood. Plastic is the preferred material.

3.3 *Carrier Service Door* –There must be only one carrier service door that must provide access for mail delivery and collection at the unit and meet USPS delivery operational requirements (see 2.2). The door must meet the applicable testing requirements specified in 4.3. The carrier service door must operate freely and solely by pulling outward and downward with a convenient handle or knob. The design of the door, including hinges and handles must provide protection against wind, rain, sleet, or snow (see 4.4). Door latches must hold the door closed but allow easy opening and closing requiring no more than 5 pounds of force. The action of the latch must be a positive mechanical one not relying solely on friction of the hinge parts. The door must not be spring-loaded. Magnetic latches are acceptable provided adequate closure power is maintained during ambient conditions specified in 4.7 and applicable testing described in Section 4. It is preferred that by either tactile sensation or sound (*i.e.,* a snap or click) carriers are alerted that the door is properly shut. The door, once opened, must remain in the open position until the carrier pushes it closed. The door must rotate a minimum of 100 degrees when opened and it is preferred that the maximum rotation be limited to 120 degrees or less. When in a fully opened and rest position, the opening angle of the door cannot measure more than 180 degrees. No protrusions other than the handle or knob, door catch, alternate flag design, decorative features or markings are permitted on the carrier service door. Protrusions of any kind that reduce the usable volume within the mailbox when closed are not acceptable. See 3.1.2 for carrier service door requirements for Locked mailbox designs.

3.3.1 *Handle or Knob*—The handle or knob must have adequate accessibility to permit quickly grasping and pulling it with one hand (with or without gloves) to open the door. The handle or knob must be located within the top 1/3 of the door. Various acceptable handle and knob designs with required dimensions are depicted in Figure 5. Other designs may be acceptable provided they allow enough finger clearance and surface area for carriers to grasp.

3.4 *Rear Doors*—Both locking and non-locking mailbox designs may have rear doors.

3.4.1 *Non-Locking Mailbox Designs*—These mailbox designs may have a rear door, provided that it does not interfere with the normal delivery and collection operation provided by the carrier, require the carrier to perform any unusual operations, or prevent the applicable capacity test gauge from fully inserting. The rear door must not be susceptible to being forced open as a result of large mail items such as newspapers and parcels being inserted through the carrier service door. The rear door must meet the applicable testing requirements specified in 4.

3.4.2 *Locking Mailbox Designs*—These designs must have a customer access door that may be located as shown in Figures 2A, 2B, and 3 on the rear wall of the mailbox. However, for locking mailbox designs, the customer access door may be located on a side wall. For locking designs submitted for approval under 3.1.2.2, this door must be subject to the security test requirement in 4.12.

3.5 *Locks*—Locked mailbox designs, which are submitted for approval under 3.1.2.2, must meet the security test requirements of 4.12 to ensure that incoming mail is accessible only by the customer to the

[1] The term 'preferred' as used throughout this document in conjunction with any requirement implies that compliance is desired but not mandatory.

performance level required. The use of locks on all non-locked mailbox designs is prohibited. Manufacturers must include the following statement in their instructions to customers:

IT IS IMPORTANT TO NOTE THAT IT IS NOT THE RESPONSIBILITY OF MAIL CARRIERS TO OPEN MAILBOXES THAT ARE LOCKED, ACCEPT KEYS FOR THIS PURPOSE, OR LOCK MAILBOXES AFTER DELIVERY OF THE MAIL.

3.6 *Carrier Signal Flag*—Non-locked and locked mailbox designs classified as Full Service must have a carrier signal flag. While it is preferred that the flag design be one of the approved concepts depicted in Figures 1A, 1B, 2A, 3, and 4, alternates will be considered for approval if all other dimensional and test requirements are otherwise met. As shown in each figure, the flag must be mounted on the right side when facing the mailbox from the front. The flag must not require a lift of more than 2 pounds of force to retract. Additionally, when actuated (signaling outgoing mail), the flag must remain in position until retracted by the carrier. The color of the flag must be in accordance with the requirements described in 3.9. The operating mechanism of the flag must not require lubrication and must continue to operate properly and positively (without binding or excessive free play) after being subjected to the test described in Section 4. Optionally, the flag may incorporate a self-lowering feature that causes it to automatically retract when the carrier service door is opened provided no additional effort is required of the carrier. The self-lowering feature cannot present protrusions or attachments and must not interfere with delivery operations in any manner or present hazardous features as specified in 3.1.

3.7 *Marking*—The mailbox must bear two inscriptions on the carrier service door: ''U.S. MAIL'' in a minimum of 0.50 inch-high letters and ''Approved By The Postmaster General'' in a minimum of 0.18 inch-high letters. These inscriptions may be positioned beneath the incoming mail slot for Limited Service Locked (Mail Slot Design) mailboxes as shown in Figure 2B. Markings must be permanent and may be accomplished by applying a decal, embossing on sheet metal, raised lettering on plastic, engraving on wood or other methods that are suitable for that particular unit. The manufacturer's name, address, date of manufacture (month and year), and model number or nomenclature must be legible and permanently marked or affixed on a panel (rear, backside of door, bottom or side interior near the carrier service door) of the mailbox that is readily accessible and not obscured.

3.7.1 *Modified Mailbox Marking*—Mailboxes that use previously approved units in their design must include marking stating the new manufacturer's name address, date of manufacture, and model nomenclature in a permanent fashion and location as described in 3.7. Additionally, the ''U.S. MAIL'' and ''Approved By The Postmaster General'' marking must be reapplied if it is obscured or obliterated by the new design.

3.8 *Coatings and Finishes*—The choice of coatings and finishes is optional, provided all requirements of this standard are met. All coatings and finishes must be free from flaking, peeling, cracking, crazing, blushing, and powdery surfaces. Coatings and finishes must be compatible with the mailbox materials. Except for small decorative accents, mirror-like coatings or finishes are prohibited. The coating or finish must meet the applicable testing requirements described in 4.6.

3.9 *Color*—The color of the mailbox and flag must be in accordance with the requirements stated in 3.9. The mailbox may be any color. The carrier signal flag can be any color except any shade of green, brown, white, yellow or blue. The preferred flag color is fluorescent orange. Also, the flag color must present a clear contrast with predominant color of the mailbox.

3.10 *Mounting*—The mailbox must be provided with means for convenient and locked mounting that meets all applicable requirements. The manufacturer may offer various types of mounting accessories, such as a bracket, post or stand. Although the Postal Service does not regulate the design of mounting accessories, no part of the mounting accessory is permitted to project beyond the front of the mounted mailbox. Mounting accessories must not interfere with delivery operations as described in 3.1.3 or present hazardous features as described in 3.13. See Section 8 for additional important information.

3.11 *Instructions and Product Information*

3.11.1 *Assembly and Installation*—A complete set of instructions for assembling and mounting the mailbox must be furnished with each unit. The instructions must include the following conspicuous message:

CUSTOMERS ARE REQUIRED TO CONTACT THE LOCAL POST OFFICE BEFORE INSTALLING THE MAILBOX TO ENSURE ITS CORRECT PLACEMENT AND HEIGHT AT THE STREET. GENERALLY, MAILBOXES ARE INSTALLED AT A HEIGHT OF 41–45 INCHES FROM THE ROAD SURFACE TO EITHER THE INSIDE SURFACE OF THE MAILBOX THAT THE MAIL IS PLACED ON BY THE CARRIER OR TO THE LOWEST EDGE OF MAIL ENTRY (FOR LOCKED MAIL SLOT DESIGNS) AND ARE SET BACK 6–8 INCHES FROM THE FRONT FACE OF CURB OR ROAD EDGE TO THE MAILBOX DOOR.

3.11.2 *Limited Service Mailboxes*—The following conspicuous note must be included with each mailbox:

THIS IS A LIMITED SERVICE MAILBOX (WITHOUT FLAG) AND IT IS INTENDED ONLY FOR CUSTOMERS WHO DO NOT WANT POSTAL CARRIERS TO PICK UP THEIR OUTGOING MAIL. UNLESS POSTAL CARRIERS HAVE MAIL TO DELIVER, THEY WILL NOT STOP AT LIMITED SERVICE MAILBOXES.

3.12 *Newspaper Receptacles*—A receptacle for the delivery of newspapers may be attached to the post of a curbside mailbox provided no part of the receptacle interferes with the delivery of mail, obstructs the view of the flag, or presents a hazard to the carrier or the carrier's vehicle. The receptacle must not extend beyond the front of the box when the door is closed. No advertising may be displayed on the outside of the receptacle, except the name of the publication. If the mailbox design does not require a post, a separate mounting arrangement must be made.

3.13 *Workmanship*—The mailbox must be properly assembled and utilize the best commercial practice workmanship standards in the fabrication of all components and assemblies. All movable parts must fit and operate properly with no unintended catch or binding points. The unit must be free from harmful projections or other hazardous devices. The unit must not have any sharp edges, sharp corners, burrs or other features (on any surfaces) that may be hazardous to carriers or customers, or that may interfere with delivery operations as described in 3.1.

3.14 *Intellectual Property*—Under no circumstances does the Postal Service intend that manufacturers use third-party intellectual property without an appropriate license agreement between the manufacturer and the third party at issue. The manufacturer is solely responsible for obtaining any necessary licenses and is solely responsible for any liability incurred in connection with any intellectual property infringement allegations concerning devices that the USPS reviews and approves. The manufacturer agrees not to use any USPS marks, including but not limited to APPROVED BY THE POSTMASTER GENERAL or USPS–APPROVED, without prior USPS approval and a license from the USPS.[2]

4. Testing Requirements

4.1 *Testing Requirements*—Mailboxes will be subjected to all applicable testing described herein (specific requirements follow). A mailbox that fails to pass any test will be rejected. Testing will be conducted in sequence as listed herein and in Table III.

4.2 *Capacity*—Non-locked and locked designs must meet the applicable minimum capacity requirements as tested by insertion and removal of a test gauge or appropriate mail test items as specified in 4.2.1 and 4.2.2.

4.2.1 *Capacity (Limited Capacity Test Gauge)*—Traditional and Contemporary designs, submitted for approval under 3.1.1.1 and 3.1.1.2, must meet minimum capacity requirements tested by insertion and removal of a standard test gauge which measures 18.50 inches long x 5.00 inches wide x 6.00 inches high. The test gauge is inserted with its 6-inch dimension aligned in the vertical axis (perpendicular to the mailbox floor). The gauge must be capable of easy insertion and removal; and while inserted, allow for all doors to be completely closed without interference.

The capacity of Locked designs, submitted for approval under 3.1.2.1, which have slots, chutes or similar features, will be tested and approved based upon whether standard USPS mail sizes (*see* Table I) can be easily inserted through the mail slot or opening. Retrieval of this mail from the locked compartment must be equally as easy.

[2] For additional information concerning the use of USPS marks or intellectual property, see: *https://about.usps.com/doing-business/rights-permissions/welcome.*

TABLE I—STANDARD MAIL

[Locked designs]

Description	Size (L x H x Thk) (inches)
Express & Priority Mail Envelopes	12½ x 9½ x ½
Priority Mail Box	8⅝ x 5⅜ x 1⅝

4.2.2 *Capacity (Expanded Capacity Test Gauge)*—Non-Locked and Locked designs, submitted for approval to either 3.1.1.3 or 3.1.2.2, must meet minimum capacity requirements tested by insertion and removal of a standard test gauge which measures 16.00 inches long x 13.00 inches wide x 7.00 inches high. The test gauge is inserted with its 7-inch dimension aligned in the vertical axis (perpendicular to the mailbox floor). The gauge must be capable of easy insertion and removal; and while inserted, allow for all doors to be completely closed without interference. The capacity of Locked designs must also meet this capacity test requirement; however, any dimension may be aligned in the vertical axis. Retrieval of the test gauge from the locked compartment must be equally as easy.

4.3 *Operational Requirements*—Carrier service doors, auxiliary doors, door catches or mechanisms, carrier signal flags, and applicable accessory devices must be capable of operating 7,500 normal operating cycles (1 cycle = open/close) at room temperature, continuously and correctly, without any failures such as breakage of parts. Testing may be performed either manually or by means of an automated mechanically driven test fixture which essentially mimics a manual operation. This test applies to all mailbox designs.

4. *Water-Tightness*—A rain test in accordance with UL 771, section 47.7, must be performed to determine a mailbox's ability to protect mail from water. The rain test must be operated for a period of 15 minutes for each side. At the conclusion of the test, the outside of the unit is wiped dry and all doors are opened. The inside of the compartment must contain no water other than that produced by high moisture condensation. This test applies to all mailbox designs.

4.5 *Salt Spray Resistance*—A salt spray test must be conducted in accordance with method A5 of ASTM G85, Standard Practice for Modified Salt Spray (Fog) Testing. The salt test must be operated for 25 continuous cycles with each cycle consisting of 1-hour fog and 1-hour dry-off. The mailbox must be tested in a finished condition, including all protective coating, paint, and mounting hardware and must be thoroughly washed when submitted to remove all oil, grease, and other nonpermanent coatings. No part of the mailbox may show finish corrosion, blistering or peeling, or other destructive reaction upon conclusion of test. Corrosion is defined as any form of property change such as rust, oxidation, color changes, perforation, accelerated erosion, or disintegration. The build-up of salt deposits upon the surface will not be cause for rejection. However, any corrosion, paint blistering, or paint peeling is cause for rejection. This test is primarily applicable to ferrous metal mailbox designs. The test is also valid for mailbox designs made of plastic, wood, or other materials that use any metal hardware.

4.6 *Abrasion Resistance*—The mailbox's coating or finish must be tested for resistance to abrasion in accordance with method A of ASTM D968. The rate of sand flow must be 2 liters of sand in 22 ±3 seconds. The mailbox will have failed the sand abrasion test if it requires less than 15 liters of sand to penetrate its coating, or if it requires less than 75 liters of sand to penetrate its plating. This test applies to metal mailbox designs only.

4.7 *Temperature Stress Test*—The mailbox under test must be placed in a cold chamber at -65 °F for 24 hours. The chamber must first be stabilized at the test temperature. After remaining in the -65° environment for the 24-hour period, the unit must be quickly removed from the cold chamber into room ambient temperature and tested for normal operation. The removal from the chamber and the testing for normal operation must be accomplished in less than 3 minutes. The room ambient temperature must be between 65° and 75 °F. Normal operation is defined as operation required and defined by this document. The unit under test must undergo a similar temperature test, as described above, at a temperature of 140 °F. This test applies to all mailbox designs.

4.8 *Structural Rigidity Requirements*—Forces of specified magnitude (see Table II) must be slowly applied at specific points on the mailbox under test (see Figure 6). These forces must be held for a minimum of 1 minute and then released. After their release, the deformation caused by the forces must be measured. If the deformation exceeds the limit specified in Table II, the mailbox under test has failed to meet the structural rigidity requirement. The doors must remain closed for test positions 1 through 6. The forces at positions 1 and 2 must be applied with the mailbox in its normal upright position, supported by a horizontal board. The forces at positions 3, 4, and 5 must be applied with the mailbox lying on its side (flag side down). The mailbox must be supported, on the flag side, by a flat board that is relieved in the immediate area of the flag mechanism. The force at position 6 (Non-Locked mailbox flags only) must be applied with the mailbox lying on its side (flag side up). This load may be applied as shown in Figure 5 or from the other direction. If visible cracks in the material develop as a result of the testing, the mailbox under test has failed to meet the structural rigidity requirement. At the conclusion of the Structural Rigidity testing, if the mailbox under test fails to operate normally, as defined by this document, the mailbox under test has failed to meet the structural rigidity requirement. This test applies to all mailbox designs.

TABLE II—PERMANENT DEFORMATION LIMITS

Position	Deformation (inches)	Load (pounds)
1	⅛	200
2	⅛	200
3	⅛	50
4	⅛	50
5	⅛	100
6	½	2

4.9 *Impact Test*—Refer to Figure 6 for load positions. Precondition the mailbox for 4 hours at −20 °F. The following testing must be performed within 3 minutes of removing the mailbox from the temperature chamber. At both load positions 3 and 4, with the mailbox lying on its side (flag side down) with all doors closed, apply an impact load force generated by a 10-pound weight dropped from a height of 3 feet above the mailbox surface onto a bolster plate having a surface not larger than 2 inches by 6 inches. The mailbox must be supported, on the underside, by a flat board that is relieved in the immediate area of the flag mechanism. If any noticeable perforation, occurrence of sharp edges, or cracking of the material (either inside or outside the mailbox) develops as a result of the impact, or if the door becomes inoperable or fails to close normally, the mailbox under test has failed to meet the impact resistance requirement. This test applies to all mailbox designs.

4.10 *Door Catch or Mechanism Test*—Door catches and mechanisms must be tested to demonstrate that a force not greater than 5 pounds or less than 1 pound is required to open and close them (see 3.3). A force measurement device must be attached to the front door's knob or handle. The load must be applied slowly in a direction perpendicular to the plane of the door. The device must allow for the measured force limits to be recorded accurately.

4.11 *Carrier Signal Flag Test*—The mailbox flag must be tested to demonstrate that a force not exceeding 2 pounds is required to deploy, extend, raise, or retract it. The load must be applied at the flag edge furthest from the hinged end or at the leading edge, if the flag retracts and extends. A force measurement device must be attached to the flag so as to apply the load and allow for it to be recorded accurately.

4.12 *Security Test (Locked, Large Capacity Designs)*—Locked design mailboxes, submitted for 3.1.2.2 approval, must be tested as described below for resistance to tampering and unauthorized entry through the use of tools such as screwdrivers, flat plates, knives, pry bars, vise grips, pliers, chisels, and punches for a period not to exceed 3 minutes for each feature tested. Pry tools used for testing must not exceed 12 inches in length.

4.12.1 *Customer Access Door*—Gaps and seams around the perimeter of the customer access door must be tested using pry tools listed in 4.12 for a period not to exceed 3 minutes to ensure that access to the compartment cannot be gained within that period of time.

4.12.2 *Carrier Access Door*—A manual test must be conducted for a period of 3

minutes to ensure that no customer mail items can be accessed and removed through an opened carrier access door within that period of time. No tools are to be used in the performance of this test.

5. Quality Management System Provisions

5.1 *Quality System*—The approved source must ensure and be able to substantiate that manufactured units conform to requirements and match the approved design.

5.2 *Inspection*—The USPS reserves the right to inspect units for conformance at any stage of manufacture. Inspection by the USPS does not relieve the approved source of the responsibility to provide conforming product. The USPS, may, at its discretion, revoke the approval status of any product that does not meet the requirements of this standard.

5.3 *System*—The approved source must use a documented quality management system acceptable to the USPS. The USPS has the right to evaluate the acceptability and effectiveness of the approved source's quality management system prior to approval, and during tenure as an approved source. At a minimum, the quality management system must include controls and record keeping in the areas described in 5.3.1 through 5.3.8.

5.3.1 *Document Control*—Documents used in the manufacture of product must be controlled. The control process for documents must ensure the following:

- Documents are identified, reviewed, and approved prior to use.
- Revision status is identified.
- Documents of external origin are identified and controlled.

5.3.2 *Supplier Oversight*—The approved source must use a documented process that ensures the following:

- Material requirements and specifications are clearly described in procurement documents.
- Inspection or other verification methods are established and implemented for validation of purchased materials.

5.3.3 *Inspection and Testing*—The approved source must monitor and verify that product characteristics match approved design. This activity must be carried out at appropriate stages of manufacture to ensure that only acceptable products are delivered.

5.3.4 *Control of Nonconforming Product*—The control method and disposition process must be defined and ensure that any product or material that does not conform to the approved design is identified and controlled to prevent its unintended use or delivery.

5.3.5 *Control of Inspection, Measuring, and Test Equipment*—The approved source must ensure that all equipment used to verify product conformance is controlled, identified, and calibrated at prescribed intervals traceable to nationally recognized standards in accordance with documented procedures.

5.3.6 *Corrective Action*—The approved source must maintain a documented complaint process. This process must ensure that all complaints are reviewed and that appropriate action is taken to determine cause and prevent reoccurrence. Action must be taken in a timely manner and be based on the severity of the nonconformance. In addition to outlining the approved source's approach to quality, the documentation must specify the methodology used to accomplish the interlinked processes and describe how they are controlled. The approved source must submit its quality documentation to the Postal Service for review along with the preliminary design review.

NOTE: It is recognized that each approved source functions individually. Consequently, the quality system of each approved source may differ in the specific methods of accomplishment. It is not the intent of this standard to attempt to standardize these systems, but to present the basic functional concepts that when conscientiously implemented will provide assurance that the approved source's product meets the requirements and fully matches the approved design.

5.3.7 *Documentation Retention*—All of the approved source's documentation pertaining to the approved product must be kept for a minimum of 3 years after shipment of product.

5.3.8 *Documentation Submittal*—The approved source must submit a copy of its quality system documentation relevant to the manufacture of curbside mailboxes for review as requested during the approval process and tenure as an approved source.

6. Application Requirements

6.1 *Application Requirements*—All correspondence and inquiries must be directed to the address in 1.3.2. The application process consists of the steps described in 6.1.1 through 6.1.3.4.

6.1.1 *Preliminary Review*—Manufacturers must first satisfy requirements of a preliminary review prior to submitting samples of any sample mailboxes or accessories. The preliminary review consists of a review of the manufacturer's conceptual design drawings for each mailbox for which the manufacturer is seeking approval. Computer-generated drawings are preferred, but hand-drawn sketches are acceptable provided they adequately depict the overall shape and interior size of the proposed mailbox design. Drawings must also include details about the design of applicable features such as the carrier service door (including the mail drop design and mechanism, for locking mailboxes), latch, handle, flag, floor, and mail induction opening size. If drawings show that the proposed mailbox design appears likely to comply with the requirements of this standard, manufacturers will be notified in writing and may then continue with the application requirements described in 6.1.2. Do NOT submit any sample units to the USPS prior to complying with the requirements of 6.1.2. Notification that a manufacturer's drawings satisfy the requirements of the preliminary review does NOT constitute USPS approval of a design and must NOT be relied upon as an assurance that a design will ultimately be approved.

6.1.2 *Independent Lab Testing*—Upon receiving written notification from the USPS that a submitted design satisfies requirements of the preliminary review, manufacturers must, at their own expense, submit one representative sample of their mailbox or accessory for which the vendor seeks USPS approval to an independent laboratory for testing along with a copy of the preliminary review letter from the USPS. Manufacturers with more than one unique model must have each one tested independently. Models that are generally of the same size, shape, and material of previously approved designs but only have different decorative features (*i.e.,* color scheme and surface contours) are not considered unique and do not require any testing. Manufacturers seeking approval of models that are not unique must submit documentation for each model in accordance with 6.1.3.2. This documentation must be reviewed and the proposed model must either be approved or disapproved (see Section 7). All tests must be performed by an approved independent test lab, except for the security tests, which must be performed by the Postal Service. See Appendix A for information on how to receive the list of USPS-approved independent test labs.

6.1.3 *Final Review*—Within one year of receipt of USPS preliminary review approval, manufacturers must submit one sample mailbox or accessory to the USPS for security testing (if applicable), final review, and approval. The sample must be accompanied with a certificate of compliance and a copy of the laboratory test results (see 6.1.3.3). Mailboxes submitted to the USPS (see 1.3.2) for final evaluation must be identical in every way to the mailboxes to be marketed, and must be marked as specified in 3.7. Manufacturers may be subject to a verification of their quality system prior to approval. This may consist of a review of the manufacturer's quality manual (see 6.1.3.4) and an onsite quality system evaluation (see 5.2). If this final review submission does not occur within the prescribed timeframe, the preliminary review approval will be rescinded.

6.1.3.1 *Installation Instructions*—Manufacturers must furnish a written copy of their installation instructions for review. These instructions must contain all information as detailed in 3.11.

6.1.3.2 *Documentation*—Units submitted for approval must be accompanied by one complete set of manufacturing drawings consisting of black on white prints (blueprints or sepia are unacceptable). The drawings must be dated and signed by the manufacturer's representatives. In addition, a second complete drawing set must be provided in electronic form. This drawing set does not have to be images of the signed drawings. The drawings must completely document and represent the design of the unit tested. If other versions of the approved mailbox are to be offered, the drawings must include the unique or differing design items of these versions. The drawings must include sufficient details to allow the USPS to inspect all materials, construction methods, processes, coatings, treatments, finishes (including paint types), control specifications, parts, and assemblies used in the construction of the unit. Additionally, the drawings must fully describe any purchased materials, components, and hardware including their respective finishes. The USPS

may request individual piece parts to verify drawings.

6.1.3.3 *Certification of Compliance and Test Results*—Manufacturers must furnish a written certificate of compliance indicating that their design fully complies with the requirements of this standard. In addition, the manufacturer must submit the lab's original report which clearly shows results of each test conducted (see Table III). The manufacturer bears all responsibility for its units meeting these requirements and the USPS reserves the right to retest any and all units submitted, including those which are available to the general public. Any changes to the design after approval and certification must be submitted to the USPS for evaluation.

TABLE III—TEST REQUIREMENTS

Test	Requirement	Reference	Applicable document
Capacity	Insertion of test gauge	4.2	
Operational Requirements	7,500 cycles	4.3	
Water-Tightness	No appreciable moisture	4.4	UL 771, Section 47.7.
Salt Spray Resistance	25 cycles	4.5	ASTM G85.
Abrasion Resistance	75 liters	4.6	ASTM D968.
Temperature Stress Test	Must function between −65° F and 140° F	4.7	
Structural Rigidity Requirements	Refer to Table II for loads and points, maximum 1/8 inch permanent deformation.	4.8	
Impact Test	10 lbs. dropped from 3 feet	4.9	
Door Catch/Mechanism Test	Max 5 lbs./Min 1 lb. to open/close door	4.10	
Carrier Signal Flag Test	Max 2 lbs. required to use flag	4.11	

6.1.3.4 *Quality Policy Manual*—The manufacturer must submit its quality policy manual to the address listed in 1.3.2.

7. Approval or Disapproval

7.1 *Disapproval*—Written notification, including reasons for disapproval, will be sent to the manufacturer within 30 days of completion of the final review of all submitted units. All correspondence and inquiries must be directed to the address listed in 1.3.2.

7.1.1 *Disapproved Mailboxes*—Mailboxes disapproved will be disposed of in 30 calendar days from the date of the written notification of disapproval or returned to the manufacturer, if requested, provided the manufacturer pays shipping costs.

7.2 *Approval*—One set of manufacturing drawings with written notification of approval will be returned to the manufacturer. The drawings will be stamped and identified as representing each unit.

7.2.1 *Approved Mailboxes*—Mailboxes that are approved will be retained by the USPS.

7.2.2. *Rescission*—The manufacturer's production units must be constructed in accordance with the USPS-certified drawings and the provisions of this specification and be of the same materials, construction, coating, workmanship, finish, etc., as the approved units. The USPS reserves the right at any time to examine and retest units obtained either in the general marketplace or from the manufacturer. If the USPS determines that a mailbox model is not in compliance with this standard or is out of conformance with approved drawings, the USPS may, at its discretion, rescind approval of the mailbox as described in 7.2.2.1 through 7.2.2.5.

7.2.2.1 *Written Notification*—The USPS will provide written notification to the manufacturer that a mailbox is not in compliance with this standard or is out of conformance with approved drawings. This notification will include the specific reasons that the unit is noncompliant or out of conformance and will be sent via Registered Mail™.

7.2.2.1.1 *Health and Safety*—If the USPS determines that the noncompliance or nonconformity constitutes a danger to the health or safety of customers or letter carriers, the USPS may, at its discretion, immediately rescind approval of the unit. In addition, the USPS may, at its discretion, order that production of the mailbox cease immediately, that any existing inventory not be sold for receipt of U.S. Mail, and that USPS Approved corrective design changes be applied to sold and unsold units.

7.2.2.2 *Manufacturer's Response*—In all cases of noncompliance or nonconformity other than those determined to constitute a danger to the health or safety of customers or letter carriers, the manufacturer must confer with the USPS and must submit one sample of a corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 7.2.2.1. Failure to confer or submit a corrected mailbox within the prescribed period will constitute grounds for immediate rescission.

7.2.2.3 *Second Written Notification*—The USPS will respond to the manufacturer in writing, via Registered Mail, no later than 30 calendar days after receipt of the corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination.

7.2.2.4 *Manufacturer's Second Response*—If the USPS rejects the corrected mailbox, the manufacturer may submit a second sample of the corrected mailbox to the USPS for approval no later than 45 calendar days after receipt of the notification described in 7.2.2.3. Failure to confer or submit a corrected mailbox within the prescribed period will constitute grounds for immediate rescission.

7.2.2.5 *Final USPS Rescission Notification*—The USPS will provide a final response to the manufacturer in writing no later than 30 calendar days after receipt of the second sample corrected mailbox with a determination of whether the manufacturer's submission is accepted or rejected and with specific reasons for the determination. If the second submission is rejected, the USPS may, at its discretion, rescind approval of the mailbox. In addition, the USPS may, at its discretion, order that production of the mailbox cease immediately, and that any existing inventory not be sold or used for receipt of U.S. Mail. If the USPS rescinds approval, the manufacturer is not prohibited from applying for a new approval pursuant to the provisions of 6.

7.2.3 *Revisions, Product or Drawings*—Changes that affect the form, fit, or function (*e.g.,* dimensions, material, and finish) of approved products or drawings must not be made without written USPS approval. Any proposed changes must be submitted with the affected documentation reflecting the changes (including a notation in the revision area), and a written explanation of the changes. One unit, incorporating the changes, may be required to be resubmitted for testing and evaluation for approval.

7.2.3.1 *Corporate or Organizational Changes*—If any substantive part of the approved manufacturer's structure changes from what existed when the manufacturer became approved, the manufacturer must promptly notify the USPS and will be subject to a reevaluation of its approved products and quality system. Examples of substantive structural changes include the following: Change in ownership, executive or quality management; major change in quality policy or procedures; relocation of manufacturing facilities; and major equipment or manufacturing process change (*e.g.,* outsourcing vs. in-plant fabrication). Notification of such changes must be sent to the address given in 1.3.

7.2.4 *Product Brochure*—Within 60 days upon sale to the public, manufacturers must submit one copy of their product brochures representing approved mailbox designs to the address listed in 1.3.2 and to: USPS, Delivery Program Support, 475 L'Enfant Plaza SW., Rm. 7142, Washington, DC 20260–7142.

8. Notes

8.1 Mailboxes intended to be used in delivery to customers' doors are not currently ''approved'' by the United States Postal Service as referenced in this standard. However, it is recommended that these boxes

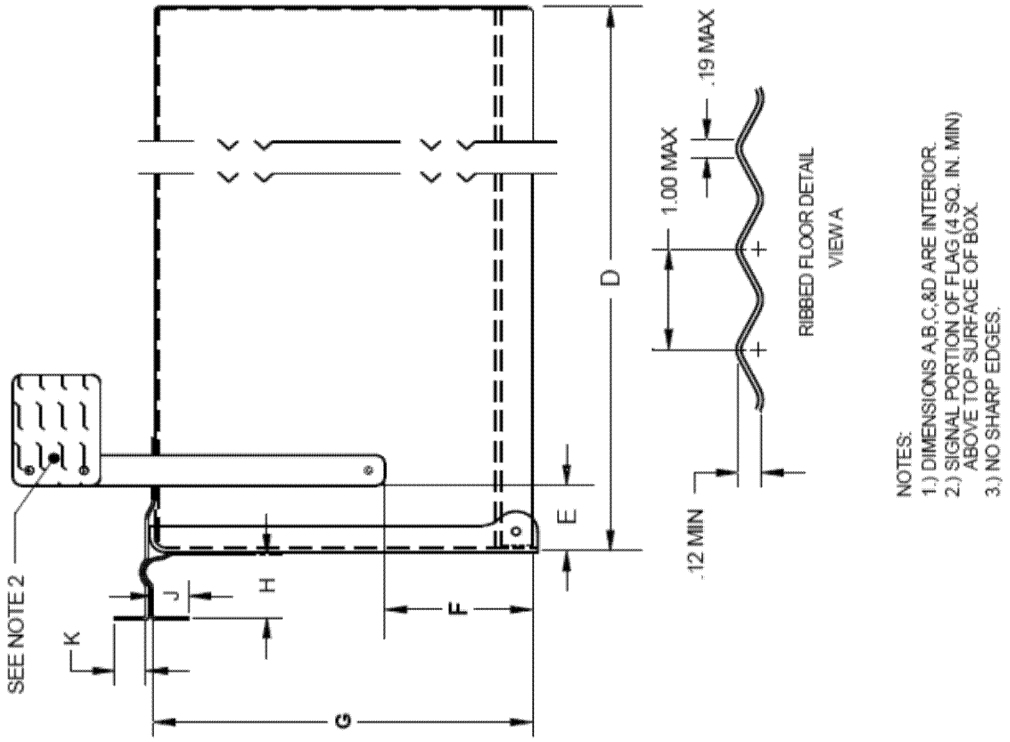
conform to the intentions of this specification, particularly the safety of the carrier and customer and the protection of the mail. The local postmaster must be contacted prior to the installation and use of any door mailbox.

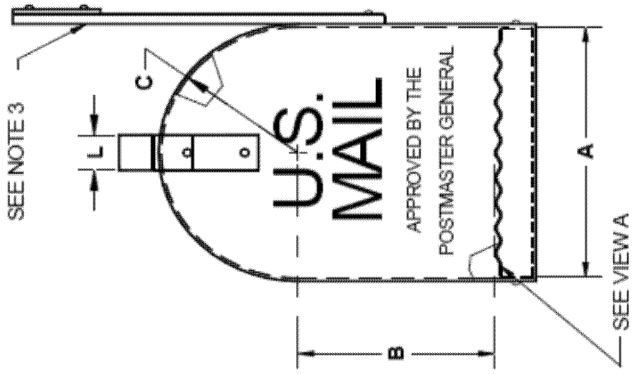
8.2 The United States Postal Service does not approve mailbox posts or regulate mounting of mailboxes other than the requirements specified in 3.10 and 3.11. Please note that mailbox posts are often subject to local restrictions, state laws, and federal highway regulations. Further information may be obtained from:

American Association of State Highway and Transportation Officials, 444 N. Capitol St. NW., Suite 249, Washington, DC 20001–1512, *http://www.transportation.org*

Federal Highway Administration, Office of Safety, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, *safety.fhwa.dat.gov*

BILLING CODE 7710–12–P

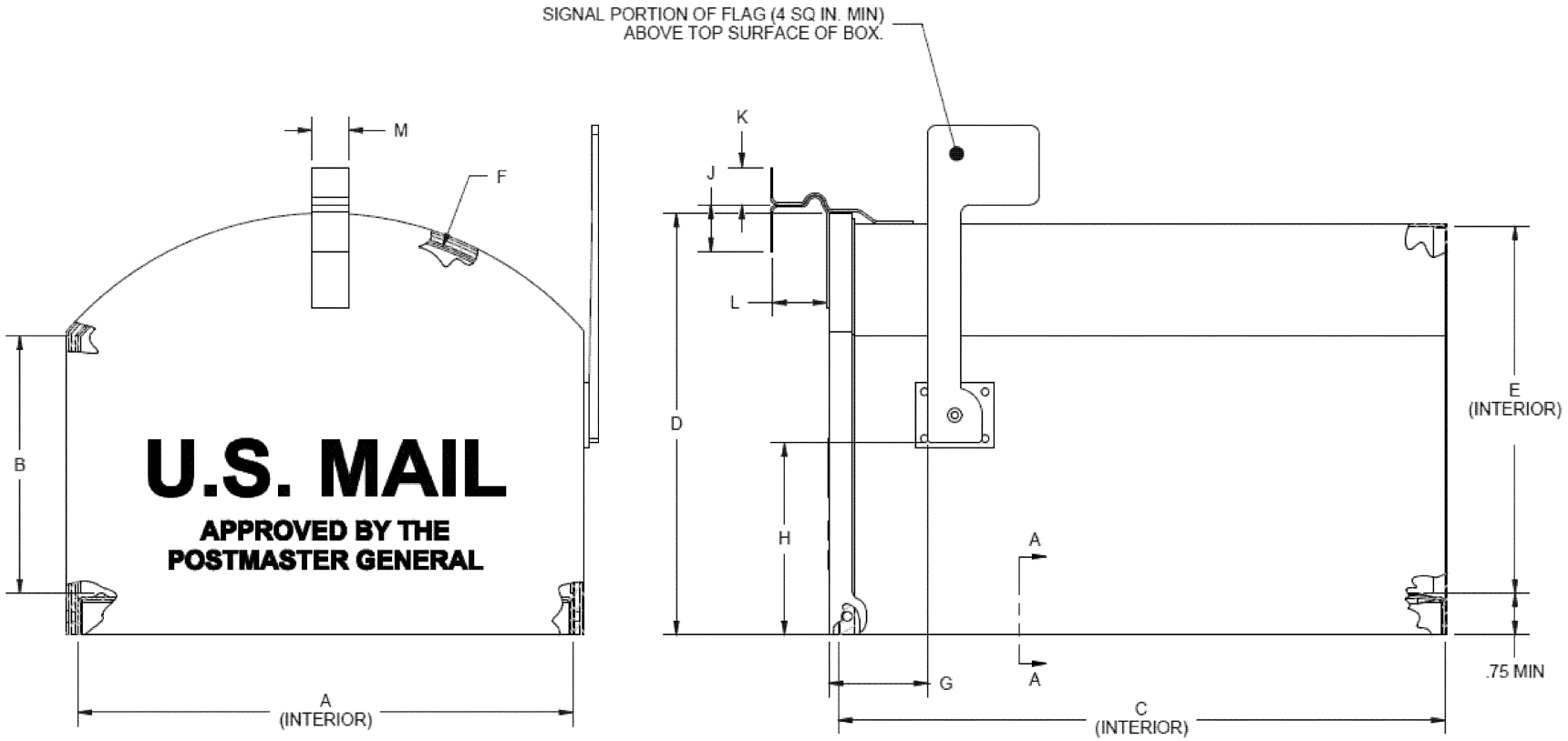




DIM	MIN	MAX	DIM	MIN	MAX
A	6.25	11.00	G	6.00	15.00
B	4.50	8.25	H	1.00	2.12
C	3.12R	5.50R	J	1.00	2.00
D	18.56	22.81	K	.50	.87
E	-	2.00	L	.87	1.25
F	3.75	8.50			

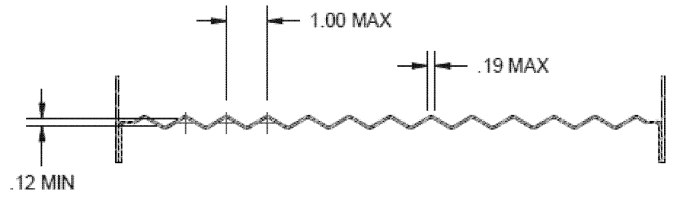
UNITS:INCHES

TRADITIONAL MAILBOX
FIGURE 1A



DIM	MIN	MAX	DIM	MIN	MAX
A	13.06	13.88	G	----	2.00
B	7.25	7.88	H	5.00	----
C	16.25	16.50	J	1.00	2.00
D	11.25	12.00	K	.50	.87
E	9.88	10.75	L	1.00	2.13
F	R8.94	R9.44	M	.87	1.25

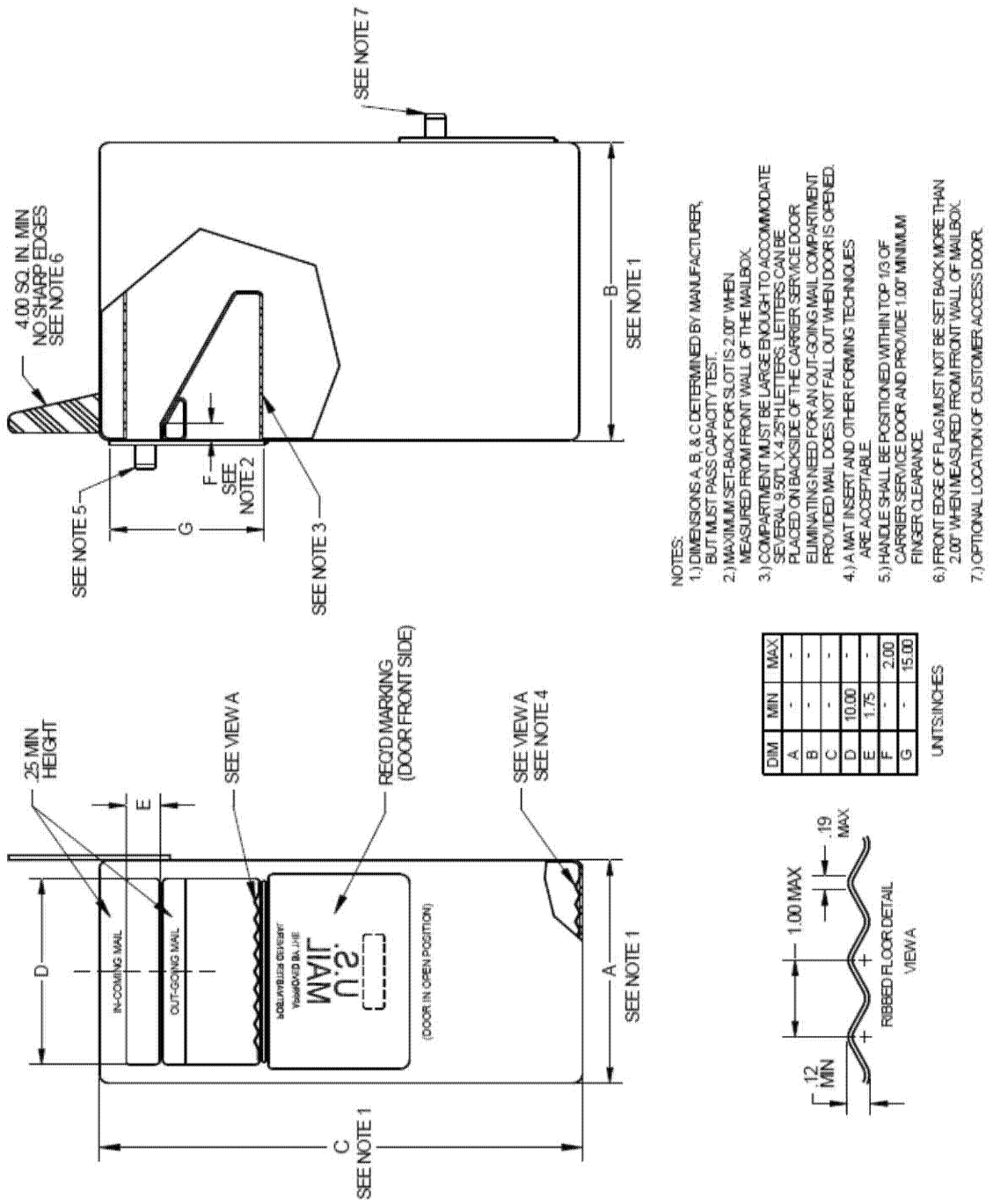
UNIT: INCHES



SECTION A-A

RIBBED FLOOR DETAIL

NON-LOCKED MAILBOX
(FULL SERVICE)
FIGURE 1B

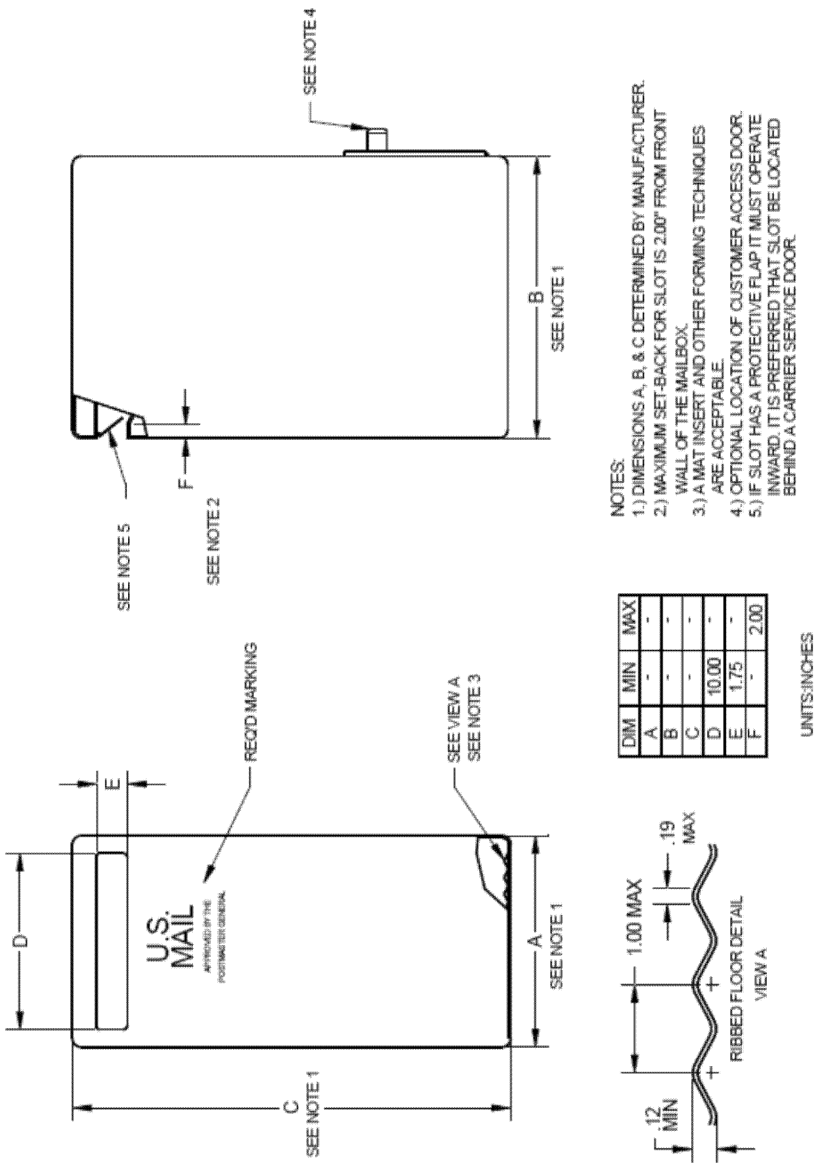


NOTES:
1.) DIMENSIONS A, B, & C DETERMINED BY MANUFACTURER, BUT MUST PASS CAPACITY TEST.
2.) MAXIMUM SET-BACK FOR SLOT IS 2.00" WHEN MEASURED FROM FRONT WALL OF THE MAILBOX.
3.) COMPARTMENT MUST BE LARGE ENOUGH TO ACCOMMODATE SEVERAL 9.50"L X 4.25"H LETTERS. LETTERS CAN BE PLACED ON BACKSIDE OF THE CARRIER SERVICE DOOR ELIMINATING NEED FOR AN OUT-GOING MAIL COMPARTMENT PROVIDED MAIL DOES NOT FALL OUT WHEN DOOR IS OPENED.
4.) A MAT INSERT AND OTHER FORMING TECHNIQUES ARE ACCEPTABLE.
5.) HANDLE SHALL BE POSITIONED WITHIN TOP 1/3 OF CARRIER SERVICE DOOR AND PROVIDE 1.00" MINIMUM FINGER CLEARANCE.
6.) FRONT EDGE OF FLAG MUST NOT BE SET BACK MORE THAN 2.00" WHEN MEASURED FROM FRONT WALL OF MAILBOX.
7.) OPTIONAL LOCATION OF CUSTOMER ACCESS DOOR.

DIM	MIN	MAX
A	-	-
B	-	-
C	-	-
D	10.00	-
E	1.75	-
F	-	2.00
G	-	15.00

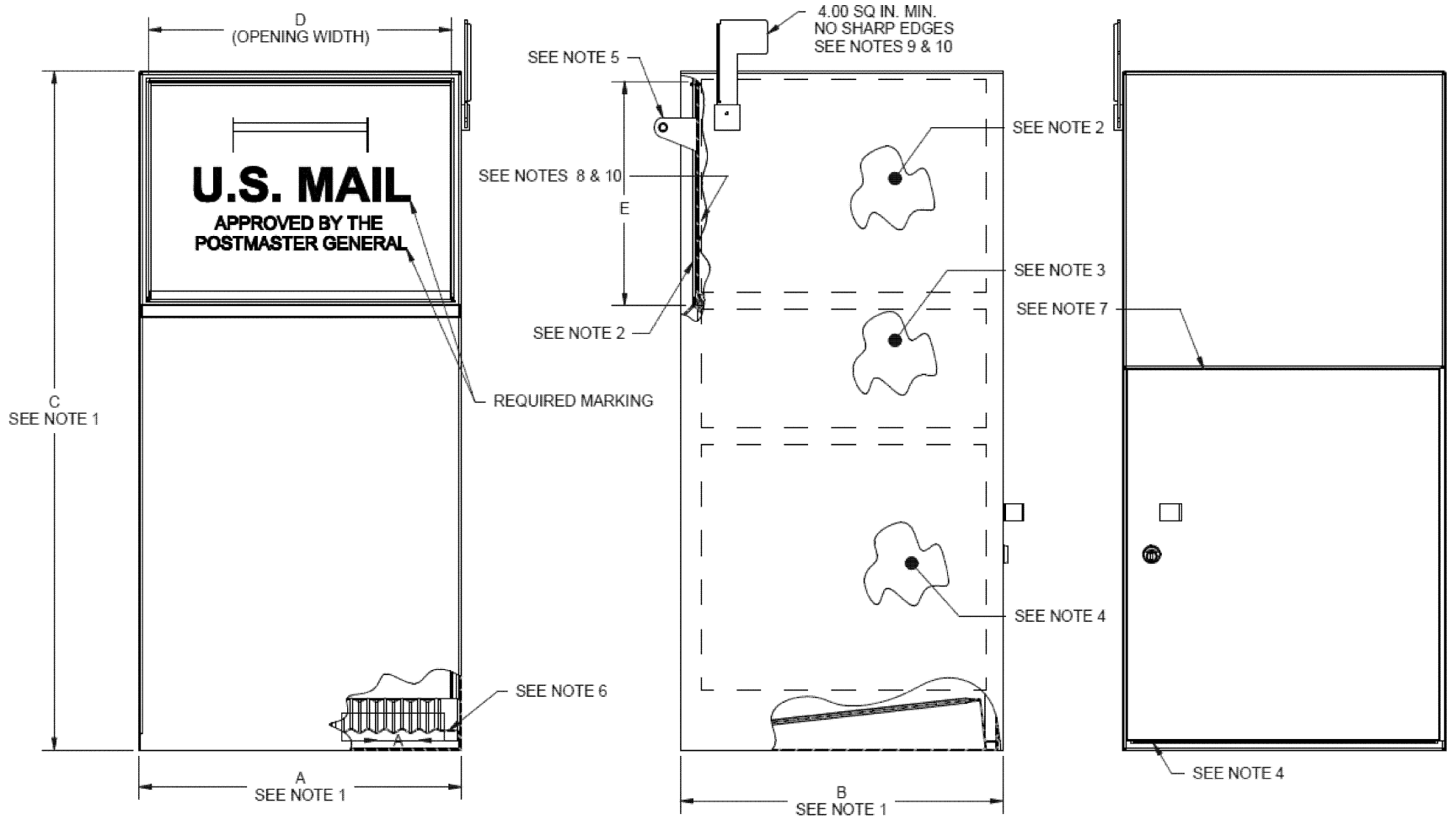
UNITS:INCHES

LOCKED MAILBOX- MAIL SLOT DESIGN
(FULL SERVICE)
FIGURE 2A



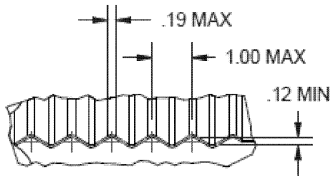
DIM	MIN	MAX
A	-	-
B	-	-
C	-	-
D	10.00	-
E	1.75	-
F	-	2.00

LOCKED MAILBOX- MAIL SLOT DESIGN
(LIMITED SERVICE)
FIGURE 2B



DIM	MIN	MAX
A	----	----
B	----	----
C	----	----
D	13.25	18.00
E	7.25	13.50

UNITS: INCHES



RIBBED FLOOR DETAIL
DETAIL A

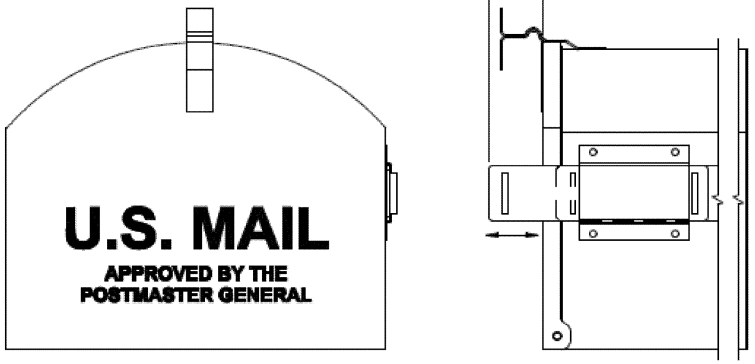
LOCKED MAILBOX
(FULL SERVICE SHOWN)
FIGURE 3

Notes:

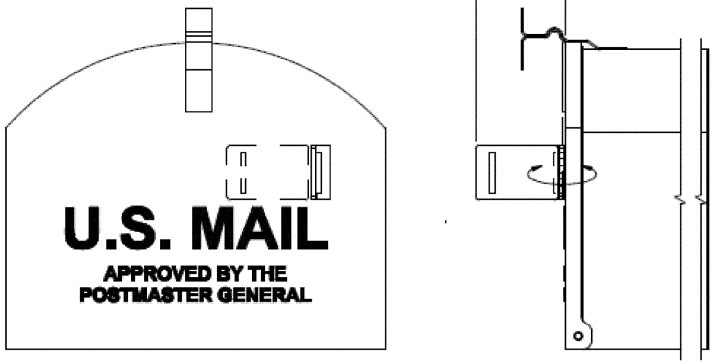
1. Dimensions A, B & C determined by manufacturer, but must allow mail box to pass capacity test.
2. Front door opening and mail induction section of mail box must be large enough to accommodate 7" x 13" x 16" test gauge.
3. Any mail drop mechanism attached to the front door shall still operate (open/close) after a test gauge has been dropped to the lower section of mailbox.
4. Mail drop section and customer access door must be large enough to accommodate one test gauge, minimum.
5. Handle shall be positioned within top $\frac{1}{3}$ of carrier service door and provide 1.00" min. finger clearance.

Notes con't:

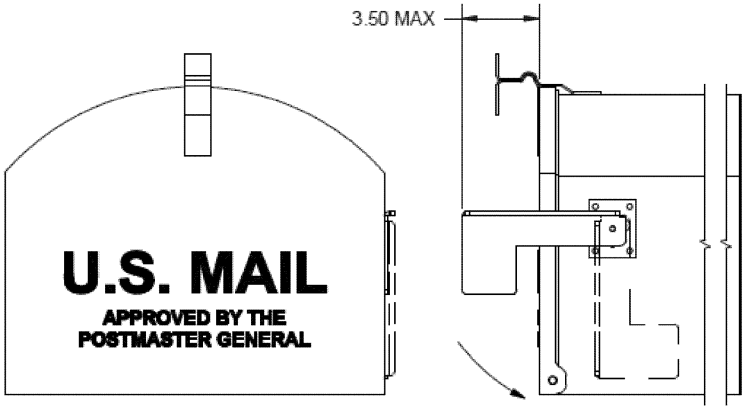
6. A mat insert and other forming techniques are acceptable. Floor shall have a min 1:40 slope from back to front.
7. Optional location of customer access door.
8. Letters can be placed on backside of the carrier service door, eliminating need for an out-going mail compartment, provided mail does not fall out when door is open.
9. Front edge of flag must not be set back more than 2.00" when measured from front wall of mailbox.
10. This feature is not applicable for limited service mail boxes.



#1



#2

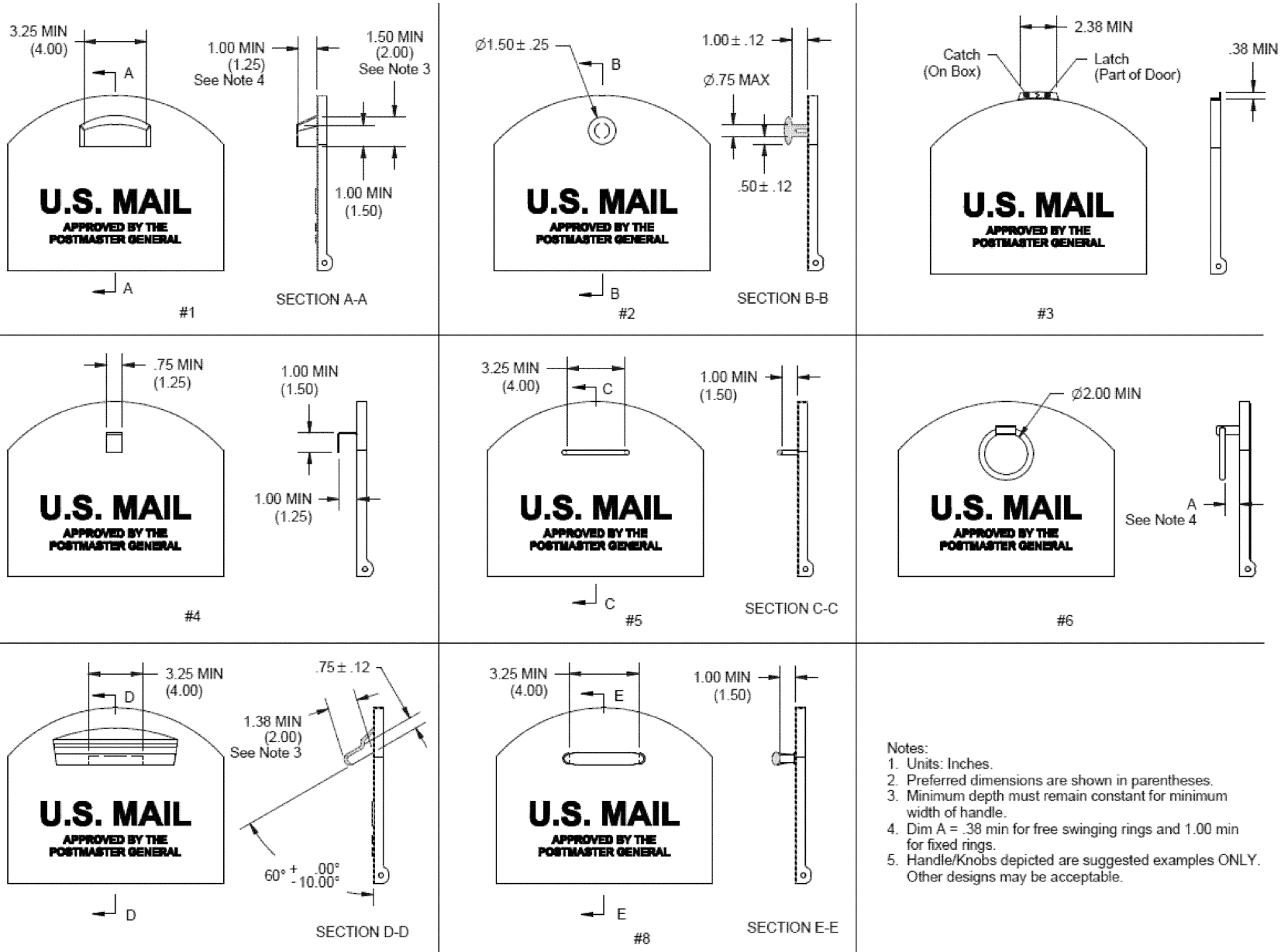


#3

Notes:

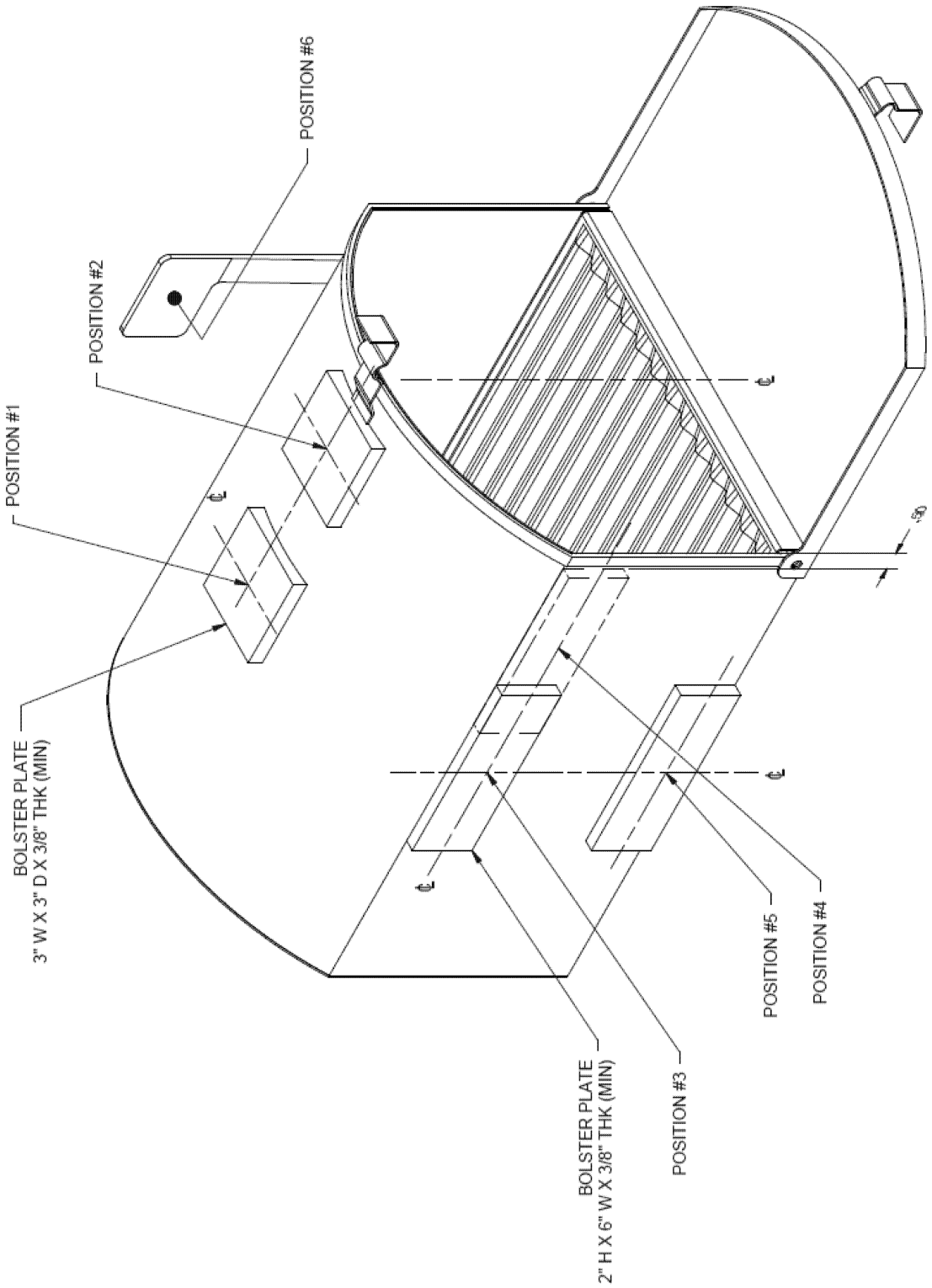
1. Flag must have a minimum visible area of 4 sq inches when engaged.
2. No sharp edges.

ALTERNATE FLAG DESIGN
FIGURE 4



Notes:
1. Units: Inches.
2. Preferred dimensions are shown in parentheses.
3. Minimum depth must remain constant for minimum width of handle.
4. Dim A = .38 min for free swinging rings and 1.00 min for fixed rings.
5. Handle/Knobs depicted are suggested examples ONLY. Other designs may be acceptable.

HANDLE/KNOB DESIGNS
FIGURE 5



DIRECTION OF LOADS
NON-LOCKED MAILBOX
(FULL SERVICE)
FIGURE 6

Appendix A

USPS-APPROVED INDEPENDENT TEST LABORATORIES

To obtain the latest list of USPS-approved test labs, contact:

USPS ENGINEERING SYSTEMS, DELIVERY AND RETAIL TECHNOLOGY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101

Additional test laboratories may be added provided they satisfy USPS certification criteria. Interested laboratories should contact:

USPS ENGINEERING, TEST EVALUATION AND QUALITY, 8403 LEE HIGHWAY, MERRIFIELD, VA 22082–8101

[FR Doc. 2015–20033 Filed 8–13–15; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0103 FRL–9926–85–Region 7]

Approval and Promulgation of Air Quality Implementation Plans; Iowa; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials submitted by Iowa that are incorporated by reference (IBR) into the state implementation plan (SIP). EPA is also notifying the public of the correction of certain typographical errors within the IBR table. The regulations affected by this update have been previously submitted by the state agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), and the Regional Office.

DATES: This rule is effective on August 14, 2015.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; or at *http://www.epa.gov/region07/air/rules/fedapprv.htm;* For information on the availability of this material at NARA, call (202) 741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jan Simpson at (913) 551–7089, or by email at *simpson.jan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which the state revises as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register. The description of the revised SIP document, IBR procedures and ''Identification of plan'' format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Iowa. On September 23, 2004 (69 FR 56942), and on July 29, 2009, (74 FR 37556) EPA published an update to the IBR material for Iowa.

In this document, EPA is publishing an updated set of tables listing the regulatory (*i.e.,* IBR) materials in the Iowa SIP taking into account the additions, deletions, and revisions to those materials previously submitted by the state agency and approved by EPA. We are removing the EPA Headquarters Library from paragraph (b)(3), as IBR materials are no longer available at this location. In addition, EPA has found errors in certain entries listed in 40 CFR 52.820(c), as amended in the published IBR update actions listed above, and is correcting them in this document. Table (c) revisions include:

- Adding the inadvertent omission of the following explanation to the explanation column for 567.22.1 (Permits Required for New or Existing Stationary Sources): In 22.1(3) the following sentence regarding electronic submission is not SIP approved. The sentence is ''Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department''.
- Adding the inadvertent omission of the following explanation to the explanation column for 567–22.3 (Issuing Permits): Subrule 22.3(6) has not been approved as part of the SIP. Subrule 22.3(6), Limits on Hazardous Air Pollutants, has been approved under Title V and section 112(l). The remainder of the rule has not been approved pursuant to Title V and section 112(l).
- 567.22.105 (Title V Permit Applications): Correcting the state effective date, correcting the EPA approval date column to the correct date and **Federal Register** citation, and adding the inadvertent omission of the following explanation to the explanation column: In 22.105(1) *Duty to apply* the last sentence ''Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.'' is not approved. In 22.105(1) ''a'' new subparagraph (9) is not approved.
- Adding the inadvertent omission of the following explanation to the explanation column for 567–23.1 (Emission Standards): Sections 23.1(2)–(5) are not approved in the SIP. Section 23.1(5) is approved as part of the 111(d) plan.

Table (e) revisions include:

- Adding text in the explanation column for (4)–(39).

II. EPA Action

In this action, EPA is doing the following:

A. Announcing the update to the IBR material as of December 31, 2014;

B. Revising the entry in paragraph 52.820(b) to reflect the update and corrections;

C. Revising certain entries in paragraph 52.820 (c) as described above;

D. Correcting the date format in the ''State effective date'' or ''State submittal date'' and ''EPA approval date'' columns in paragraphs 52.820 (c), (d) and (e). Dates are numerical month/day/year without additional zeros;

E. Modifying the **Federal Register** citation in paragraphs 52.820 (c), (d) and (e) to reflect the beginning page of the preamble as opposed to the page number of the regulatory text.

EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by

providing notice of the updated Iowa SIP compilation.

Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Iowa regulations described in the amendments to 40 CFR part 52 set forth below. 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).

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'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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).

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Iowa SIP compilations previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this ''Identification of plan'' reorganization update action for the State of Iowa.

List of Subjects in 40 CFR Part 52

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

Dated: April 7, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as set forth below: 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 Q Iowa

■ 2. In § 52.820, paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 52.820 Identification of plan.

* * * * *

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7089. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) EPA-approved regulations.

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20—Scope of Title—Definitions—Forms—Rule of Practice				
567–20.1	Scope of Title	1/15/14	5/15/14, 79 FR 27763.	This rule is a non-substantive description of the Chapters contained in the Iowa rules. EPA has not approved all of the Chapters to which this rule refers.
567–20.2	Definitions	04/22/15	8/10/15, 80 FR 33192.	
567–20.3	Air Quality Forms Generally	04/22/15	8/10/15, 80 FR 33192.	
Chapter 21—Compliance				
567–21.1	Compliance Schedule	7/12/06	8/6/07, 72 FR 43539.	
567–21.2	Variances	4/4/07	10/16/07, 72 FR 58535.	
567–21.3	Emission Reduction Program	3/14/90	6/29/90, 55 FR 26690.	
567–21.4	Circumvention of Rules	3/14/90	6/29/90, 55 FR 26690.	
567–21.5	Evidence Used in Establishing That a Violation Has or Is Occurring.	11/16/94	10/30/95, 60 FR 55198.	
567–21.6	Temporary Electricity Generation for Disaster Situations.	10/15/08	12/29/09, 74 FR 68692.	
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources.	4/22/15	8/10/15, 80 FR 33192.	In 22.1(3) the following sentence regarding electronic submission is not SIP approved. The sentence is ''Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department''.
567–22.2	Processing Permit Applications	4/22/15	8/10/15, 80 FR 33192.	
567–22.3	Issuing Permits	10/24/12	1/16/14, 79 FR 2787.	Subrule 22.3(6) has not been approved as part of the SIP. Subrule 22.3(6), Limits on Hazardous Air Pollutants, has been approved under Title V and section 112(l). The remainder of the rule has not been approved pursuant to Title V and section 112(l).
567–22.4	Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD).	6/11/08	12/29/09, 74 FR 68692.	
567–22.5	Special Requirements for Nonattainment Areas.	1/15/14	5/15/14, 79 FR 27763.	Rescinded and moved to 567–31.20.
567–22.8	Permits by Rule	10/23/13	5/14/14, 79 FR 27490.	
567–22.9	Special Requirements for Visibility Protection.	11/11/09	10/25/13, 78 FR 63887.	
567–22.10	Permitting Requirements for Country Grain Elevators, Country Grain Terminal Elevators, Grain Terminal Elevators and Feed Mill Equipment.	9/10/14	8/10/15, 80 FR 33192.	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
567–22.105	Title V Permit Applications	11/11/09	10/25/13, 78 FR 63887.	Only subparagraph (2)i(5) is approved as part of the SIP. In 22.105(1) *Duty to apply* the last sentence ''Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.'' is not approved. In 22.105(1) ''a'' new subparagraph (9) is not approved.
567–22.200	Definitions for Voluntary Operating Permits.	10/18/95	4/30/96, 61 FR 18958.	
567–22.201	Eligibility for Voluntary Operating Permits.	4/4/07	10/16/07, 72 FR 58535.	
567–22.202	Requirement to Have a Title V Permit.	4/9/97	6/25/98, 63 FR 34600.	
567–22.203	Voluntary Operating Permit Applications.	11/11/09	10/25/13, 78 FR 63887.	
567–22.204	Voluntary Operating Permit Fees	12/14/94	4/30/96, 61 FR 18958.	
567–22.205	Voluntary Operating Permit Processing Procedures.	12/14/94	4/30/96, 61 FR 18958.	
567–22.206	Permit Content	10/18/95	4/30/96, 61 FR 18958.	
567–22.207	Relation to Construction Permits	10/15/08	12/29/09, 74 FR 68692.	
567–22.208	Suspension, Termination, and Revocation of Voluntary Operating Permits.	12/14/94	4/30/96, 61 FR 18958.	
567–22.209	Change of Ownership for Facilities with Voluntary Operating Permits.	11/11/09	10/25/13, 78 FR 63887.	
567–22.300	Operating permit by rule for small sources.	11/11/09	10/25/13, 78 FR 63887.	
	Chapter 23—Emission Standards for Contaminants			
567–23.1	Emission Standards	11/24/10	10/25/13, 78 FR 63887.	Sections 23.1(2)–(5) are not approved in the SIP. Section 23.1 (5) is approved as part of the 111(d) plan.
567–23.2	Open Burning	1/14/04	11/3/04, 69 FR 63945.	Subrule 23.2(3)g(2) was not submitted for approval. Variances from open burning rule 23.2(2) are subject to EPA approval.
567–23.3	Specific Contaminants	6/11/08	12/29/09, 74 FR 68692.	Subrule 23.3(3) ''(d)'' is not SIP approved.
567–23.4	Specific Processes	6/11/08	12/29/09, 74 FR 68692.	Subrule 23.4(10) is not SIP approved.
	Chapter 24—Excess Emissions			
567–24.1	Excess Emission Reporting	11/24/10	10/25/13, 78 FR 63887.	
567–24.2	Maintenance and Repair Requirements.	3/14/90	6/29/90, 55 FR 26690.	
	Chapter 25—Measurement of Emissions			
567–25.1	Testing and Sampling of New and Existing Equipment.	10/24/12	1/16/14, 79 FR 2787.	
	Chapter 26—Prevention of Air Pollution Emergency Episodes			
567–26.1	General	3/14/90	6/29/90, 55 FR 26690.	
567–26.2	Episode Criteria	3/14/90	6/29/90, 55 FR 26690.	
567–26.3	Preplanned Abatement Strategies	3/14/90	6/29/90, 55 FR 26690.	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
567–26.4	Actions During Episodes	3/14/90	6/29/90, 55 FR 26690.	
Chapter 27—Certificate of Acceptance				
567–27.1	General	3/14/90	6/29/90, 55 FR 26690.	
567–27.2	Certificate of Acceptance	3/14/90	6/29/90, 55 FR 26690.	
567–27.3	Ordinance or Regulations	3/14/90	6/29/90, 55 FR 26690.	
567–27.4	Administrative Organization	3/14/90	6/29/90, 55 FR 26690.	
567–27.5	Program Activities	3/14/90	6/29/90, 55 FR 26690.	
Chapter 28—Ambient Air Quality Standards				
567–28.1	Statewide Standards	10/23/13	5/14/14, 79 FR 27490.	
Chapter 29—Qualification in Visual Determination of the Opacity of Emissions				
567–29.1	Methodology and Qualified Observer	5/13/98	5/22/00, 65 FR 32030.	
Chapter 31—Nonattainment Areas				
567–31.1	Permit Requirements Relating to Nonattainment Areas.	1/15/14	5/15/14, 79 FR 27763.	
567–31.2	Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan.	1/15/14	5/15/14, 79 FR 27763.	
567–31.3	Nonattainment new source review requirements for areas designated nonattainment on or after May 18, 1998.	1/15/14	5/15/14, 79 FR 27763.	
567–31.4	Preconstruction review permit program.	1/15/14	5/15/14, 79 FR 27763.	
567–31.9	Actual PALs	1/15/14	5/15/14, 79 FR 27763.	
567–31.10	Validity of Rules	1/15/14	5/15/14, 79 FR 27763.	
567–31.20	Special requirements for nonattainment areas designated before May 18, 1998 (originally adopted in 567–22.5(455B)).	4/22/15	8/10/15, 80 FR 33192.	
Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality				
567–33.1	Purpose	1/15/14	5/15/14, 79 FR 27763.	
567–33.3	Special construction permit requirements for major stationary sources in areas designated attainment or unclassified (PSD).	4/22/14	8/10/15, 80 FR 33192.	
567–33.9	Plantwide applicability limitations (PALs).	11/1/06	5/14/07, 72 FR 27056.	
567–33.10	Exceptions to adoption by reference	11/1/06	5/14/07, 72 FR 27056.	
Chapter 34—Provisions for Air Quality Emissions Trading Programs				
567–34.1	Purpose	7/12/06	8/6/07, 72 FR 43539.	
567–34.201	CAIR NO_X annual trading program provisions.	11/28/07	4/15/08, 73 FR 20177.	
567–34.202	CAIR designated representative for CAIR NO_X sources.	7/12/06	8/6/07, 72 FR 43539.	
567–34.203	Permits	7/12/06	8/6/07, 72 FR 43539.	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
567–34.205	CAIR NO_X allowance allocations	7/12/06	8/6/07, 72 FR 43539.	
567–34.206	CAIR NO_X allowance tracking system.	7/12/06	8/6/07, 72 FR 43539.	
567–34.207	CAIR NO_X allowance transfers	7/12/06	8/6/07, 72 FR 43539.	
567–34.208	Monitoring and reporting	7/12/06	8/6/07, 72 FR 43539.	
567–34.209	CAIR NO_X opt-in units	7/12/06	8/6/07, 72 FR 43539.	
567–34.210	CAIR SO_2 trading program	11/28/07	4/15/08, 73 FR 20177.	
567–34.220	CAIR NO_X ozone season trading program.	7/12/06	8/6/07, 72 FR 43539.	
567–34.221	CAIR NO_X ozone season trading program general.	11/28/07	4/15/08, 73 FR 20177.	
567–34.222	CAIR designated representative for CAIR NO_X ozone season sources.	7/12/06	8/6/07, 72 FR 43539.	
567–34.223	CAIR NO_X ozone season permits	7/12/06	8/6/07, 72 FR 43539.	
567–34.225	CAIR NO_X ozone season allowance allocations.	7/12/06	8/6/07, 72 FR 43539.	
567–34.226	CAIR NO_X ozone season allowance tracking system.	7/12/06	8/6/07, 72 FR 43539.	
567–34.227	CAIR NO_X ozone season allowance transfers.	7/12/06	8/6/07, 72 FR 43539.	
567–34.228	CAIR NO_X ozone season monitoring and reporting.	7/12/06	8/6/07, 72 FR 43539.	
567–34.229	CAIR NO_X ozone season opt-in units	7/12/06	8/6/07, 72 FR 43539.	

EPA-APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Explanation
	Linn County			
Chapter 10	Linn County Air Quality Ordinance, Chapter 10.	1/30/15	9/28/15, 80 FR 44870.	The following definitions are not SIP-approved in Chapter 10.2; Anaerobic lagoon, Biomass, Chemical processing plants (ethanol production facilities that produce ethanol by natural fermentation included in NAICS code 325193 or 312140 are not included in this definition); Federally Enforceable; Greenhouse gases; Maximum Achievable Control Technology (MACT); MACT floor. The following sections are not SIP approved: 10.4(1), Title V Permits; 10.5(9)''b'' Locally Required Permits; Exemptions from the Authorization to Install Permit to Operate Requirements; 10.5(9) ''ll'', Exemption for production painting, adhesive or coating units; 10.8(2)''b'' Emissions From Fuel-Burning Equipment; Emission Limitation; 10.8(3) Emissions From Fuel-Burning Equipment; Exemptions for Residential Heaters Burning Solid Fuels; 10.8(4) Emissions from Fuel-Burning Equipment; Nuisance Conditions for Fuel Burning Equipment; 10.9(2), NSPS; 10.9(3), Emission Standards for HAPs; 10.9(4), Emission Standards for HAPs for Source Categories; 10.10(4) Variance from rules; 10.11, Emission of Objectionable Odors; 10.15, Variances, 10.17(13) Continuous Emissions Monitoring from Acid Rain Program 10.17(13) Continuous Emissions Monitoring from Acid Rain Program, and 10.24, Penalty.
	Polk County			
Chapter V	Polk County Board of Health Rules and Regulations Air Pollution Chapter V.	08/06/09	7/06/10, 75 FR 38745.	Article I, Section 5–2, definition of ''variance''; Article VI, Sections 5–16(n), (o) and (p); Article VIII; Article IX, Sections 5–27(3) and (4); Article X, Section 5–28 subsections (a) through (c); Article XIII, and Article XVI, Section 5–75 are not a part of the SIP.

(d) EPA-approved State source-specific permits.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(1) Archer-Daniels Midland Company.	90–AQ–10	3/25/91	11/1/91, 56 FR 56158	
(2) Interstate Power Company	89–AQ–04	2/21/90	11/1/91, 56 FR 56158	
(3) Grain Processing Corporation.	74–A–015–S	9/18/95	12/1/97, 62 FR 63454	
(4) Grain Processing Corporation.	79–A–194–S	9/18/95	12/1/97, 62 FR 63454	

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(5) Grain Processing Corporation.	79–A–195–S	9/18/95	12/1/97, 62 FR 63454	
(6) Grain Processing Corporation.	95–A–374	9/18/95	12/1/97, 62 FR 63454	
(7) Muscatine Power and Water.	74–A–175–S	9/14/95	12/1/97, 62 FR 63454	
(8) Muscatine Power and Water.	95–A–373	9/14/95	12/1/97, 62 FR 63454	
(9) Monsanto Corporation	76–A–161S3	7/18/96	12/1/97, 62 FR 63454	
(10) Monsanto Corporation	76–A–265S3	7/18/96	12/1/97, 62 FR 63454	
(11) IES Utilities, Inc	97–AQ–20	11/20/98	3/11/99, 64 FR 12087	SO_2 Control Plan for Cedar Rapids.
(12) Archer-Daniels-Midland Corporation.	SO_2 Emission Control Plan	9/14/98	3/11/99, 64 FR 12087	ADM Corn Processing SO_2 Control Plan for Cedar Rapids.
(13) Linwood Mining and Minerals Corporation.	98–AQ–07	3/13/98	3/18/99, 64 FR 13343	PM_{10} control plan for Buffalo.
(14) Lafarge Corporation	98–AQ–08	3/13/98	3/18/99, 64 FR 13343	PM_{10} control plan for Buffalo.
(15) Holnam, Inc	A.C.O. 1999–AQ–31	9/2/99	11/6/02, 67 FR 67563	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(16) Holnam, Inc	Consent Amendment to A.C.O. 1999–AQ–31.	5/16/01	11/6/02, 67 FR 67563	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(17) Holnam, Inc	Permits for 17–01–009, Project Nos. 99–511 and 00–468..	7/24/01	11/6/02, 67 FR 67563	For a list of the 47 permits issued for individual emission points see IDNR letters to Holnam, Inc., dated 7/24/01.
(18) Lehigh Portland Cement Company.	A.C.O. 1999–AQ–32	9/2/99	11/6/02, 67 FR 67563	For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.
(19) Lehigh Portland Cement Company.	Permits for plant No. 17–01–005, Project Nos. 99–631 and 02–037.	2/18/02	11/6/02, 67 FR 67563	For a list of the 41 permits issued for individual emission points see IDNR letters to Lehigh dated 7/24/01 and 2/18/02.
(20) Blackhawk Foundry and Machine Company.	A.C.O. 03–AQ–51	12/4/03	6/10/04, 69 FR 32454	Together with the permits listed below this order comprises the PM_{10} control strategy for Davenport, Iowa.
(21) Blackhawk Foundry and Machine Company.	Permit No. 02–A–116 (Cold Box Core Machine).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(22) Blackhawk Foundry and Machine Company.	Permit No. 02–A–290(Wheelabrator #2 and Casting Sorting).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(23) Blackhawk Foundry and Machine Company.	Permit No. 02–A–291 (Mold Sand Silo).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(24) Blackhawk Foundry and Machine Company.	Permit No. 02–A–292 (Bond Storage).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(25) Blackhawk Foundry and Machine Company.	Permit No. 02–A–293 (Induction Furnace and Aluminum Sweat Furnace).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(26) Blackhawk Foundry and Machine Company.	Permit No. 77–A–114–S1 (Wheelabrator #1 & Grinding).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(27) Blackhawk Foundry and Machine Company.	Permit No. 84–A–055–S1 (Cupola ladle, Pour deck ladle, Sand shakeout, Muller, Return sand #1, Sand cooler, Sand screen, and Return sand #2).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(28) Blackhawk Foundry and Machine Company.	Permit No. 72–A–060–S5 (Cupola).	8/19/02	6/10/04, 69 FR 32454	Provisions of the permit that relate to pollutants other than PM_{10} are not approved by EPA as part of this SIP.
(29) Grain Processing Corporation.	Administrative Consent Order NO.2014–AQ–A1.	2/14/14	12/1/14, 79 FR 71025	The last sentence of Paragraph 5, Section III and Section VI are not approved by EPA as part of the SIP.
(30) Muscatine Power and Water.	Permit No. 74–A–175–S3	7/22/13	12/1/14, 79 FR 71025	
(31) Muscatine Power and Water.	Permit No. 80–A–006–S3	7/22/13	12/1/14, 79 FR 71025	
(32) Muscatine Power and Water.	Permit No. 80–A–007–S3	7/22/13	12/1/14, 79 FR 71025	
(33) Muscatine Power and Water.	Permit No. 80–A–191–P2	7/22/13	12/1/14, 79 FR 71025	
(34) Muscatine Power and Water.	Permit No. 80–A–193–S3	7/22/13	12/1/14, 79 FR 71025	
(35) Muscatine Power and Water.	Permit No. 80–A–194–S3	7/22/13	12/1/14, 79 FR 71025	
(36) Muscatine Power and Water.	Permit No. 80–A–197–S2	7/22/13	12/1/14, 79 FR 71025	
(37) Muscatine Power and Water.	Permit No. 80–A–200–S1	7/22/13	12/1/14, 79 FR 71025	
(38) Muscatine Power and Water.	Permit No. 80–A–201–S1	7/22/13	12/1/14, 79 FR 71025	
(39) Muscatine Power and Water.	Permit No. 80–A–202–S2	7/22/13	12/1/14, 79 FR 71025	
(40) Muscatine Power and Water.	Permit No. 93–A–283–S2	7/22/13	12/1/14, 79 FR 71025	
(41) Muscatine Power and Water.	Permit No. 93–A–288–S3	7/22/13	12/1/14, 79 FR 71025	
(42) Muscatine Power and Water.	Permit No. 93–A–289–S3	7/22/13	12/1/14, 79 FR 71025	
(43) Muscatine Power and Water.	Permit No. 93–A–290–S3	7/22/13	12/1/14, 79 FR 71025	
(44) Muscatine Power and Water.	Permit No. 93–A–373–P2	7/22/13	12/1/14, 79 FR 71025	
(45) Muscatine Power and Water.	Permit No. 00–A–638–S3	7/22/13	12/1/14, 79 FR 71025	
(46) Muscatine Power and Water.	Permit No. 00–A–639–S1	7/22/13	12/1/14, 79 FR 71025	
(47) Muscatine Power and Water.	Permit No. 00–A–689–S1	7/22/13	12/1/14, 79 FR 71025	
(48) Muscatine Power and Water.	Permit No. 00–A–684–S1	7/22/13	12/1/14, 79 FR 71025	
(49) Muscatine Power and Water.	Permit No. 00–A–686–S1	7/22/13	12/1/14, 79 FR 71025	
(50) Muscatine Power and Water.	Permit No. 00–A–687–S1	7/22/13	12/1/14, 79 FR 71025	
(51) Muscatine Power and Water.	Permit No. 01–A–193–S2	7/22/13	12/1/14, 79 FR 71025	
(52) Muscatine Power and Water.	Permit No. 01–A–218–S1	7/22/13	12/1/14, 79 FR 71025	
(53) Muscatine Power and Water.	Permit No. 01–A–456–S1	7/22/13	12/1/14, 79 FR 71025	
(54) Muscatine Power and Water.	Permit No. 01–A–617–S1	7/22/13	12/1/14, 79 FR 71025	
(55) Muscatine Power and Water.	Permit No. 04–A–618–S1	7/22/13	12/1/14, 79 FR 71025	

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(56) Muscatine Power and Water.	Permit No. 04–A–619–S1	7/22/13	12/1/14, 79 FR 71025	
(57) Muscatine Power and Water.	Permit No. 11–A–562–S1	7/22/13	12/1/14, 79 FR 71025	
(58) Muscatine Power and Water.	Permit No. 13–A–139	7/23/13	12/1/14, 79 FR 71025	
(59) Muscatine Power and Water.	Permit No. 13–A–140	7/23/13	12/1/14, 79 FR 71025	
(60) Muscatine Power and Water.	Permit No. 13–A–141	7/23/13	12/1/14, 79 FR 71025	
(61) Muscatine Power and Water.	Permit No. 13–A–142	7/22/13	12/1/14, 79 FR 71025	
(62) Muscatine Power and Water.	Permit No. 13–A–143	7/22/13	12/1/14, 79 FR 71025	
(63) Muscatine Power and Water.	Permit No. 13–A–146	7/22/13	12/1/14, 79 FR 71025	
(64) Muscatine Power and Water.	Permit No. 13–A–147	7/22/13	12/1/14, 79 FR 71025	
(65) Muscatine Power and Water.	Permit No. 13–A–148	7/22/13	12/1/14, 79 FR 71025	
(66) Muscatine Power and Water.	Permit No. 13–A–150	7/22/13	12/1/14, 79 FR 71025	
(67) Muscatine Power and Water.	Permit No. 13–A–151	7/22/13	12/1/14, 79 FR 71025	
(68) Muscatine Power and Water.	Permit No. 13–A–152	7/22/13	12/1/14, 79 FR 71025	
(69) Muscatine Power and Water.	Permit No. 13–A–153	7/22/13	12/1/14, 79 FR 71025	
(70) Muscatine Power and Water.	Permit No. 13–A–154	7/22/13	12/1/14, 79 FR 71025	
(71) Muscatine Power and Water.	Permit No. 13–A–155	7/22/13	12/1/14, 79 FR 71025	
(72) Muscatine Power and Water.	Permit No. 13–A–157	7/22/13	12/1/14, 79 FR 71025	
(73) Muscatine Power and Water.	Permit No. 13–A–158	7/22/13	12/1/14, 79 FR 71025	
(74) Muscatine Power and Water.	Permit No. 13–A–159	7/22/13	12/1/14, 79 FR 71025	
(75) Muscatine Power and Water.	Permit No. 13–A–161	7/22/13	12/1/14, 79 FR 71025	
(76) Muscatine Power and Water.	Permit No. 80–A–196–S3	7/22/13	12/1/14, 79 FR 71025	
(77) Muscatine Power and Water.	Permit No. 93–A–286–S4	7/22/13	12/1/14, 79 FR 71025	
(78) Muscatine Power and Water.	Permit No. 01–A–457–S4	7/22/13	12/1/14, 79 FR 71025	
(79) Muscatine Power and Water.	Permit No. 06–A–650–S2	7/22/13	12/1/14, 79 FR 71025	
(80) Muscatine Power and Water.	Permit No. 13–A–160	7/22/13	12/1/14, 79 FR 71025	
(81) Union Tank Car Company	Permit No. 93–A–251–S5	4/08/13	12/1/14, 79 FR 71025	
(82) Union Tank Car Company	Permit No. 93–A–252–S5	4/08/13	12/1/14, 79 FR 71025	
(83) Union Tank Car Company	Permit No. 93–A–253–S5	4/08/13	12/1/14, 79 FR 71025	
(84) Union Tank Car Company	Permit No. 93–A–254–S3	4/08/13	12/1/14, 79 FR 71025	
(85) Union Tank Car Company	Permit No. 00–A–1086–S2	4/08/13	12/1/14, 79 FR 71025	
(86) Union Tank Car Company	Permit No. 00–A–1087–S2	4/08/13	12/1/14, 79 FR 71025	
(87) Union Tank Car Company	Permit No. 00–A–1088–S2	4/08/13	12/1/14, 79 FR 71025	
(88) Union Tank Car Company	Permit No. 93–A–255–S7	4/08/13	12/1/14, 79 FR 71025	
(89) Union Tank Car Company	Permit No. 96–A–629–S3	4/08/13	12/1/14, 79 FR 71025	
(90) Union Tank Car Company	Permit No. 96–A–630–S5	4/08/13	12/1/14, 79 FR 71025	
(91) Union Tank Car Company	Permit No. 96–A–631–S3	4/08/13	12/1/14, 79 FR 71025	
(92) Union Tank Car Company	Permit No. 96–A–636–S3	4/08/13	12/1/14, 79 FR 71025	
(93) Union Tank Car Company	Permit No. 00–A–529–S2	4/08/13	12/1/14, 79 FR 71025	
(94) Union Tank Car Company	Permit No. 00–A–530–S2	4/08/13	12/1/14, 79 FR 71025	
(95) Union Tank Car Company	Permit No. 00–A–531–S2	4/08/13	12/1/14, 79 FR 71025	
(96) Union Tank Car Company	Permit No. 00–A–532–S2	4/08/13	12/1/14, 79 FR 71025	
(97) Union Tank Car Company	Permit No. 00–A–533–S2	4/08/13	12/1/14, 79 FR 71025	
(98) Union Tank Car Company	Permit No. 93–A–256–S6	4/08/13	12/1/14, 79 FR 71025	
(99) Union Tank Car Company	Permit No. 96–A–632–S5	4/08/13	12/1/14, 79 FR 71025	
(100) Union Tank Car Company.	Permit No. 96–A–633–S5	4/08/13	12/1/14, 79 FR 71025	

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/Permit No.	State effective date	EPA Approval date	Explanation
(101) Union Tank Car Company.	Permit No. 96–A–634–S5	4/08/13	12/1/14, 79 FR 71025	
(102) Union Tank Car Company.	Permit No. 96–A–635–S5	4/08/13	12/1/14, 79 FR 71025	
(103) Union Tank Car Company.	Permit No. 00–A–1089–S2	4/08/13	12/1/14, 79 FR 71025	
(104) Union Tank Car Company.	Permit No. 00–A–1090–S2	4/08/13	12/1/14, 79 FR 71025	
(105) Union Tank Car Company.	Permit No. 00–A–1091–S2	4/08/13	12/1/14, 79 FR 71025	
(106) Union Tank Car Company.	Permit No. 10–A–043–S2	4/08/13	12/1/14, 79 FR 71025	
(107) Union Tank Car Company.	Permit No. 09–A–009–S2	4/08/13	12/1/14, 79 FR 71025	
(108) Union Tank Car Company.	Permit No. 09–A–010–S2	4/08/13	12/1/14, 79 FR 71025	
(109) Union Tank Car Company.	Permit No. 94–A–434–S2	4/08/13	12/1/14, 79 FR 71025	

(e) The EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
(1) Air Pollution Control Implementation Plan.	Statewide	1/27/72	5/31/72, 37 FR 10842	
(2) Request for a Two Year Extension to Meet the NAAQS.	Council Bluffs	1/27/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
(3) Revisions to Appendices D and G.	Statewide	2/2/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76.
(4) Source Surveillance and Record Maintenance Statements.	Statewide	4/14/72	3/2/76, 41 FR 8956 ...	[FRL 484–4].
(5) Statement Regarding Public Availability of Emissions Data.	Statewide	5/2/72	3/2/76, 41 FR 8956 ...	[FRL 484–4].
(7) Letter Describing the Certificates of Acceptance for Local Air Pollution Control Programs.	Linn County, Polk County	12/14/72	10/1/76, 41 FR 43406	[FRL 616–1].
(8) High Air Pollution Episode Contingency Plan.	Statewide	6/20/73	10/1/76, 41 FR 43406	[FRL 616–1].
(9) Summary of Public Hearing on Revised Rules Which Were Submitted on July 17, 1975.	Statewide	9/3/75	10/1/76, 41 FR 43406	[FRL 616–1].
(10) Air Quality Modeling to Support Sulfur Dioxide Emission Standards.	Statewide	3/4/77	6/1/77, 42 FR 27892	[FRL 739–1].
(11) Nonattainment Plans	Mason City, Davenport, Cedar Rapids, Des Moines.	6/22/79	3/6/80, 45 FR 14561	[FRL 1427–5].
(12) Information on VOC Sources to Support the Nonattainment Plan.	Linn County	10/8/79	3/6/80, 45 FR 14561	[FRL 1427–5].
(13) Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan.	Linn County	11/16/79	3/6/80, 45 FR 14561	[FRL 1427–5].
(14) Lead Plan	Statewide	8/19/80	3/20/81, 46 FR 17778	[A–7–FRL–1776–5].
(15) Letter to Support the Lead Plan.	Statewide	1/19/81	3/20/81, 46 FR 17778	[A–7–FRL–1776–5].

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
(16) Nonattainment Plans to Attain Secondary Standards.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	4/18/80	4/17/81, 46 FR 22368	[A–7–FRL 1792–2].
(17) Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	9/16/80	4/17/81, 46 FR 22368	[A–7–FRL 1792–2].
(18) Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	11/17/80	4/17/81, 46 FR 22368	[A–7–FRL 1792–2].
(19) Schedule for Studying Nontraditional Sources of Particulate Matter and for Implementing the Results.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	6/26/81	3/5/82, 47 FR 9462 ...	[A–7–FRL–2057–7].
(20) Air Monitoring Strategy	Statewide	7/15/81	4/12/82, 47 FR 15583	[A–5–FRL–2076–5].
(21) Letter of Commitment to Revise Unapprovable Portions of Chapter 22.	Statewide	5/14/85	9/12/85, 50 FR 37176	[EPA Action IA 1582; A–7–FRL–2895–9].
(22) Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved.	Statewide	4/22/86	7/11/86, 51 FR 25199	[EPA Action IA 2060; A–7–FRL–3046–8].
(23) Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations.	Statewide	4/22/87	6/26/87, 52 FR 23981	[A–7–FRL–3216–5].
(24) PM_{10} SIP	Statewide	10/28/88	8/15/89, 54 FR 33536	[FRL–3627–7].
(25) Letter Pertaining to NO_X Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990.	Statewide	11/8/90	2/13/91, 56 FR 5757	[FRL–3903–5].
(26) SO_2 Plan	Clinton	3/13/91	11/1/91, 56 FR 56158	[IA–21–5182; FRL–4014–4].
(27) Letter Withdrawing Variance Provisions.	Polk County	10/23/91	11/29/91, 56 FR 60924.	[FRL–IA–4–1–5308; FRL–4034–5] Correction notice published 1/26/93.
(28) Letter Concerning Open Burning Exemptions.	Statewide	10/3/91	1/22/92, 57 FR 2472	[IA5–1–5380; FRL–4039–5].
(29) Compliance Sampling Manual.	Statewide	1/5/93	5/12/93, 58 FR 27939	[IA–8–1–5750; FRL–4618–6].
(30) Small Business Assistance Plan.	Statewide	12/22/92	9/27/93, 58 FR 50266	[IA–9–1–5859; FRL–4734–5].
(31) Voluntary Operating Permit Program.	Statewide	12/8/94, 2/16/96, 2/27/96	4/30/96, 61 FR 18958	[IA 003–1003, FRL–5455–4].
(32) SO_2 Plan	Muscatine	6/19/96 5/21/97	12/1/97, 62 FR 63454	[IA 036–1036, FRL–5929–3].
(33) SO_2 Maintenance Plan	Muscatine	4/25/97	3/19/98, 63 FR 13343	[IA 040–1040(a), FRL–5980–2].
(34) SO_2 Control Plan	Cedar Rapids	9/11/98	3/11/99, 64 FR 12087	[IA 058–1058a; FRL–6308–5].
(35) PM_{10} Control Plan	Buffalo, Iowa	10/1/98	3/18/99, 64 FR 13346	[IA 059–1059a; FRL–6310–7].
(36) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide	11/22/06	3/8/07, 72 FR 10380	[EPA–R07–OAR–2006–1015; FRL–8285–1].
(37) SO_2 Maintenance Plan for the Second 10-year Period.	Muscatine	4/5/07	8/1/07; 72 FR 41900	[EPA–R07–OAR–2007–0477, FRL–8448–5].
(38) CAA 110(a)(1) and (2)-Ozone Infrastructure SIP.	Statewide	6/15/07	3/04/08; 73 FR 11554	[EPA–R07–OAR–2007–1180, FRL–8535–9].

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
(39) Regional Haze plan for the first implementation period.	Statewide	3/25/08	6/26/12, 77 FR 38007	[EPA–R07–OAR–2012–0153, FRL–9688–1] § 52.842(a); Limited Approval.

[FR Doc. 2015–19588 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0454; FRL–9932–35-Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Movement of the Northern Virginia Area From Virginia's Nonattainment Area List to its Maintenance Area List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Virginia State Implementation Plan (SIP). The revisions move the localities (Counties of Arlington, Fairfax, Loudon, and Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park) of Northern Virginia from Virginia's list of nonattainment areas to its list of maintenance areas for fine particulate matter ($PM_{2.5}$). EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on October 13, 2015 without further notice, unless EPA receives adverse written comment by September 14, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0454 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0454, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mail code 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0454. 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 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 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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Particle pollution, or particulate matter, is a mixture of solid particles and liquid droplets found in the air. Particle pollution includes ''inhalable coarse particles,'' with diameters larger than 2.5 micrometers and smaller than 10 micrometers and ''fine particles,'' with diameters that are 2.5 micrometers and smaller. Due to their small size, these particles often contribute to adverse health effects. EPA is required to set National Ambient Air Quality Standards (NAAQS) under the authority of the CAA, for the purpose of controlling particle pollution. The first NAAQS for $PM_{2.5}$ were established on July 16, 1997 (62 FR 38652). EPA promulgated an annual standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$), based on a three-year average of annual mean $PM_{2.5}$ concentrations (the 1997 annual $PM_{2.5}$ standard). In the same rulemaking action, EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a three-year average of the 98th percentile of 24-hour concentrations.

EPA published air quality area designations for the 1997 $PM_{2.5}$ standards on January 5, 2005. In its rulemaking action, EPA designated the Washington, DC–MD–VA Area as nonattainment for the 1997 annual $PM_{2.5}$ standard. The Washington, DC–MD–VA area (Washington Area) is composed of the District of Columbia; Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia (the Northern Virginia area); and Charles, Frederick, Montgomery,

and Prince George's Counties in Maryland.

The District of Columbia Department of the Environment (DDOE), the Maryland Department of the Environment (MDE), and the Virginia Department of Environmental Quality (VADEQ), (collectively, the States), collaborated to develop redesignation requests and maintenance plans for the Washington Area for the 1997 annual $PM_{2.5}$ NAAQS. EPA received the 1997 annual $PM_{2.5}$ redesignation requests and maintenance plans for the Washington Area from DDOE on June 3, 2013, from MDE on July 10, 2013, and from VADEQ on June 3, 2013. The Washington Area maintenance plan included motor vehicle emissions budgets (MVEBs) for $PM_{2.5}$ and nitrogen oxides (NO_X) for the Washington Area for the 1997 annual $PM_{2.5}$ standard, which EPA approved for transportation conformity purposes. The emissions inventories included in the Washington Area maintenance plans were subsequently supplemented by the States to provide for emissions estimates of volatile organic compounds (VOC) and ammonia. The supplemental inventories were submitted to EPA on July 22, 2013 by DDOE, on July 26, 2013 by MDE, and on July 17, 2013 by VADEQ.

On October 6, 2014 (79 FR 60081), the EPA approved the States' redesignation requests and maintenance plans for the Washington Area, including Northern Virginia, for the 1997 annual $PM_{2.5}$ standard. Therefore, the designation of the Northern Virginia area, as part of the Washington Area, was changed from nonattainment to attainment. Subsequently, Virginia changed its lists of areas in nonattainment and maintenance within its regulations, located in 9 VAC5 Chapter 20, to reflect EPA's redesignation of the Washington Area.

II. Summary of SIP Revision

On June 1, 2015, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision consists of a regulatory change that moves the Northern Virginia area (Counties of Arlington, Fairfax, Loudoun, and Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park), which was part of the Washington Area, from the list of nonattainment areas found in regulation 9 VAC 5–20–204 to the list of maintenance areas found in regulation 9 VAC 5–20–203.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code § 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving the proposed regulatory amendment which moves the localities in Northern Virginia (Counties of Arlington, Fairfax, Loudoun, and Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park) from the list of nonattainment areas found in regulation 9 VAC 5–20–204 to the list of maintenance areas found in regulation 9 VAC 5–20–203. EPA finds this revision to the SIP is in accordance with CAA requirements, including sections 107 and 110 of the CAA.

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 13, 2015 without further notice unless EPA receives adverse comment by September 14, 2015. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a

second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Incorporation by Reference

In this rulemaking action, 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 changes to 9 VAC5 Chapter 20, specifically 9VAC5–20–203 and 9VAC5–20–204, 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).

VI. Statutory and Executive Order Reviews

A. General Requirements

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, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, which moves the localities in Northern Virginia within the Washington Area (Counties of Arlington, Fairfax, Loudoun, and Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park) from the list of nonattainment areas found in regulation 9 VAC 5–20–204 to the list of maintenance areas found in regulation 9 VAC 5–20–203, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Dated: August 4, 2015.

William C. Early,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entries for Sections 5–20–203 and 5–20–204. The revised text reads as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/Subject	State effective date	EPA Approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 20	General Provisions			
*	*	*	*	*
Part II	Air Quality Programs			
*	*	*	*	*
5–20–203	Air Quality Maintenance Areas	3/11/15	8/14/15 [*Insert Federal Register Citation*].	List of maintenance areas revised to include Northern Virginia localities for fine particulate matter ($PM_{2.5}$).
5–20–204	Nonattainment Areas	3/11/15	8/14/15 [*Insert Federal Register Citation*].	List of nonattainment areas revised to exclude Northern Virginia localities for fine particulate matter ($PM_{2.5}$).
*	*	*	*	*

[FR Doc. 2015–20023 Filed 8–13–15; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0991; EPA–R05–OAR–2013–0435; FRL–9932–15-Region 5]

Air Plan Approval; Indiana and Ohio; Infrastructure SIP Requirements for the 2010 NO_2 and SO_2 NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve elements of state implementation plan (SIP) submissions by Indiana regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2010 nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) national ambient air quality standards (NAAQS), and by Ohio regarding the infrastructure requirements of section 110 of the CAA for the 2010 SO_2 NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the requirements of the CAA. The proposed rulemaking for Ohio's 2010 SO_2 infrastructure submittal associated with today's final action was published on July 25, 2014, and EPA received one comment letter during the comment period, which ended on August 25, 2015. In the July 25, 2014 rulemaking, EPA also proposed approval for Ohio's 2008 lead, 2008 ozone, and 2010 NO_2 infrastructure submittals. Those approvals have been finalized in separate rulemakings. The proposed rulemaking for Indiana's 2010 NO_2 and SO_2 infrastructure submittals associated with today's final action was published on February 27, 2015, and EPA received one comment letter during the comment period, which ended on March 30, 2015. The concerns raised in these letters, as well as EPA's responses, are addressed in this final action.

DATES: This final rule is effective on September 14, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0991 (2010 NO_2 infrastructure elements) or EPA–R05–OAR–2013–0435 (2010 SO_2 infrastructure elements). 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.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly-available only in hard copy. Publicly-available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sarah Arra at (312) 886–9401 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Sarah Arra, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–9401, *arra.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. What is the background of these SIP submissions?
II. What is our response to comments received on the proposed rulemaking?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background of these SIP submissions?

A. What does this rulemaking address?

This rulemaking addresses infrastructure SIP submissions from the Indiana Department of Environmental Management (IDEM) submitted on January 15, 2013, for the 2010 NO_2 NAAQS and on May 22, 2013, for the 2010 SO_2 NAAQS. This rulemaking also addresses infrastructure SIP submissions from the Ohio Environmental Protection Agency (OEPA) submitted on June 7, 2013, for the 2010 SO_2 NAAQS.

B. Why did the state make this SIP submission?

Under sections 110(a)(1) and (2) of the CAA, states are required to submit

infrastructure SIPs to ensure that their SIPs provide for implementation, maintenance, and enforcement of the NAAQS. These submissions must contain any revisions needed for meeting the applicable SIP requirements of section 110(a)(2), or certifications that their existing SIPs for NO_2 and SO_2 already meet those requirements.

EPA has highlighted this statutory requirement in multiple guidance documents, including the most recent guidance document entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and (2)'' issued on September 13, 2013.

C. What is the scope of this rulemaking?

EPA is acting upon Indiana and Ohio's SIP submissions that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2010 SO_2 NAAQS and also the 2010 NO_2 NAAQS for Indiana. The requirement for states to make SIP submissions of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review (NNSR) permit program submissions to address the permit requirements of CAA, title I, part D.

This rulemaking will not cover three substantive areas that are not integral to acting on a state's infrastructure SIP submission: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction (''SSM'') at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions; (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (collectively referred to as ''director's discretion''); and, (iii) existing provisions for Prevention of Significant Deterioration (PSD) programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Instead, EPA has the authority to address each one of these substantive areas in separate rulemaking. A detailed rationale, history, and interpretation related to infrastructure SIP requirements can be found in our May 13, 2014, proposed rule entitled, ''Infrastructure SIP Requirements for the 2008 Lead NAAQS'' in the section, ''What is the scope of this rulemaking?'' (*see* 79 FR 27241 at 27242–27245).

In addition, EPA is not acting on section 110(a)(2)(D)(i)(I), interstate transport significant contribution and interference with maintenance for the Indiana and Ohio 2010 SO_2 submittals, a portion of section 110(a)(2)(D)(i)(II) with respect to visibility, and 110(a)(2)(J) with respect to visibility for the 2010 NO_2 and SO_2 submittals for Indiana and the 2010 SO_2 submittal for Ohio, and portions of 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) with respect to PSD for Ohio's 2010 SO_2 submittal. EPA has already taken action on the portion related to PSD for Ohio's 2010 SO_2 infrastructure submittal in the February 27, 2015 rulemaking (see 80 FR 10591). EPA is also not acting on section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D, in its entirety. The rationale for not acting on elements of these requirements was included in EPA's August 19, 2013, proposed rulemaking or is discussed below in today's response to comments.

II. What is our response to comments received on the proposed rulemaking?

EPA received one comment letter from the Sierra Club regarding its July 25, 2014, proposed rulemaking (79 FR 43338) on Ohio's 2010 SO_2 NAAQS Infrastructure SIP submittal. EPA did not receive any comments on its February 27, 2015, proposed rulemaking (80 FR 10644) on Indiana's 2010 NO_2 NAAQS Infrastructure SIP, but did receive one comment from the Sierra Club relevant to the SO_2 submittal. The majority of the SO_2-related comments from the Sierra Club for Indiana and Ohio are identical. The comments are summarized and responded to together; however, the few differences in the comments are explicitly pointed out.

Comment 1: Sierra Club contends that the plain language of section 110(a)(2)(A) of the CAA and the legislative history of the CAA require the inclusion of enforceable emission limits in an infrastructure SIP to prevent NAAQS exceedances in areas not designated nonattainment. Sierra Club also asserts that the Ohio and Indiana 2010 SO_2 infrastructure SIP revisions did not revise the existing SO_2 emission limits in response to the 2010 SO_2 NAAQS and failed to comport with CAA requirements for SIPs to establish enforceable emission limits that are adequate to prohibit NAAQS exceedances in areas not designated nonattainment.

The Sierra Club states that, on its face, the CAA ''requires I–SIPs to be adequate to prevent exceedances of the NAAQS.'' In support, the Sierra Club quotes the language in section 110(a)(1) which requires states to adopt a plan for implementation, maintenance, and enforcement of the NAAQS, and the language in section 110(a)(2)(A) which requires SIPs to include enforceable emissions limitations as may be necessary to meet the requirements of the CAA and which Sierra Club claims include the maintenance plan requirement. Sierra Club notes the CAA definition of emission limit and reads these provisions together to require ''enforceable emission limits on source emissions sufficient to ensure maintenance of the NAAQS.''

Response 1: EPA disagrees that section 110 is clear ''on its face'' and must be interpreted in the manner suggested by Sierra Club. Section 110 is only one provision that is part of the complicated structure governing implementation of the NAAQS program under the CAA, as amended in 1990, and it must be interpreted in the context of not only that structure, but also of the historical evolution of that structure. In light of the revisions to section 110 since 1970 and the later-promulgated and more specific planning requirements of the CAA, EPA interprets the requirement in section 110(a)(2)(A) that the plan provide for

''implementation, maintenance and enforcement'' to mean that the infrastructure SIP must contain enforceable emission limits that will aid in attaining and/or maintaining the NAAQS and that the state demonstrate that it has the necessary tools to implement and enforce a NAAQS, such as adequate state personnel and an enforcement program. With regard to the requirement for emission limitations, EPA has interpreted this to mean, for purposes of section 110, that the state may rely on measures already in place to address the pollutant at issue or any new control measures that the state may choose to submit. As EPA stated in ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' dated September 13, 2013 (Infrastructure SIP Guidance), ''[t]he conceptual purpose of an infrastructure SIP submission is to assure that the air agency's SIP contains the necessary structural requirements for the new or revised NAAQS, whether by establishing that the SIP already contains the necessary provisions, by making a substantive SIP revision to update the SIP, or both. Overall, the infrastructure SIP submission process provides an opportunity . . . to review the basic structural requirements of the air agency's air quality management program in light of each new or revised NAAQS.'' Infrastructure SIP Guidance at p. 2.

The Sierra Club makes general allegations that Ohio and Indiana do not have sufficient protective measures to prevent SO_2 NAAQS exceedances. EPA addressed the adequacy of Ohio and Indiana's infrastructure SIPs for 110(a)(2)(A) purposes to meet applicable requirements of the CAA in the proposed rulemakings and explained why the SIPs include enforceable emission limitations and other control measures necessary for maintenance of the 2010 SO_2 NAAQS throughout the state. For Ohio, these limits are found in Chapter 3745–18, Sulfur Dioxide Limitations, of Ohio's SIP. For Indiana, these limits are found in 326 Indiana Administrative Code (IAC) 7–1.1, 326 IAC 7–4, and 326 IAC 7–4.1. As discussed in the proposed rulemakings, EPA finds that these provisions adequately address section 110(a)(2)(A) to aid in attaining and/or maintaining the applicable NAAQS, and finds that Ohio and Indiana have demonstrated that they have the necessary tools to implement and enforce these NAAQS.

Comment 2: The Sierra Club cites 40 CFR 51.112(a), providing that each plan ''must demonstrate that the measures, rules and regulations contained in it are adequate to provide for the timely attainment and maintenance of the [NAAQS].'' It asserts that this regulation requires all SIPs to include emissions limits necessary to ensure attainment of the NAAQS. The Sierra Club states that ''[a]lthough these regulations were developed before the Clean Air Act separated infrastructure SIPs from nonattainment SIPs—a process that began with the 1977 amendments and was completed by the 1990 amendments—the regulations apply to I–SIPs.'' It relies on a statement in the preamble to the 1986 action restructuring and consolidating provisions in part 51, in which EPA stated that ''[i]t is beyond the scope of th[is] rulemaking to address the provisions of Part D of the Act . . . .'' 51 FR 40656, 40656 (November 7, 1986).

Response 2: The Sierra Club's reliance on 40 CFR 51.112 to support its argument that infrastructure SIPs must contain emission limits ''adequate to prohibit NAAQS exceedances'' and adequate or sufficient to ensure the maintenance of the NAAQS is not supported. As an initial matter, EPA notes and the Sierra Club recognizes that this regulatory provision was initially promulgated and ''restructured and consolidated'' prior to the CAA Amendments of 1990, in which Congress removed all references to ''attainment'' in section 110(a)(2)(A). In addition, it is clear on its face that 40 CFR 51.112 applies to plans specifically designed to attain the NAAQS. EPA interprets these provisions to apply when states are developing ''control strategy'' SIPs such as the detailed attainment and maintenance plans required under other provisions of the CAA, as amended in 1977 and again in 1990, such as sections 175A, 182, and 192. The Sierra Club suggests that these provisions must apply to section 110 SIPs because in the preamble to EPA's action ''restructuring and consolidating'' provisions in part 51, EPA stated that the new attainment demonstration provisions in the 1977 Amendments to the CAA were ''beyond the scope'' of the rulemaking. It is important to note, however, that EPA's action in 1986 was not to establish new substantive planning requirements, but merely to consolidate and restructure provisions that had previously been promulgated. EPA noted that it had already issued guidance addressing the new ''Part D'' attainment planning obligations. Also, as to maintenance regulations, EPA expressly stated that it was not making any revisions other than to re-number those provisions. 51 FR at 40657.

Although EPA was explicit that it was not establishing requirements interpreting the provisions of the new ''Part D'' of title I of the CAA, it is clear that the regulations being restructured and consolidated were intended to address control strategy plans. In the preamble, EPA clearly stated that 40 CFR 51.112 was replacing 40 CFR 51.13 (''Control strategy: SO_X and PM (portion)''), 51.14 (''Control strategy: CO, HC, O_X and NO_2 (portion)''), 51.80 (''Demonstration of attainment: Pb (portion)''), and 51.82 (''Air quality data (portion)''). *Id.* at 40660. Thus, the present-day 40 CFR 51.112 contains consolidated provisions that are focused on control strategy SIPs, and the infrastructure SIP is not such a plan.

Comment 3: The Sierra Club references two prior EPA rulemaking actions where EPA disapproved or proposed to disapprove SIPs, and claims that they were actions in which EPA relied on section 110(a)(2)(A) and 40 CFR 51.112 to reject infrastructure SIPs. It first points to a 2006 partial approval and partial disapproval of revisions to Missouri's existing plan addressing the SO_2 NAAQS (71 FR 12623). In that action, EPA cited section 110(a)(2)(A) of the CAA as a basis for disapproving a revision to the state plan on the basis that the State failed to demonstrate the SIP was sufficient to ensure maintenance of the SO_2 NAAQS after revision of an emission limit and cited to 40 CFR 51.112 as requiring that a plan demonstrates the rules in a SIP are adequate to attain the NAAQS. Second, Sierra Club cites a 2013 disapproval of a revision to the SO_2 SIP for Indiana, where the revision removed an emission limit that applied to a specific emissions source at a facility in the State (78 FR 78721). In its proposed disapproval, EPA relied on 40 CFR 51.112(a) in proposing to reject the revision, stating that the State had not demonstrated that the emission limit was ''redundant, unnecessary, or that its removal would not result in or allow an increase in actual SO_2 emissions.'' EPA further stated in that proposed disapproval that the State had not demonstrated that removal of the limit would not ''affect the validity of the emission rates used in the existing attainment demonstration.''

The Sierra Club also asserts that EPA stated in its 2013 infrastructure SIP guidance that states could postpone specific requirements for start-up shutdown, and malfunction (SSM), but did not specify the postponement of any other requirements. The commenter concludes that emissions limits ensuring attainment of the standard cannot be delayed.

Response 3: EPA does not agree that the two prior actions referenced by the

Sierra Club establish how EPA reviews infrastructure SIPs. It is clear from both the final Missouri rulemaking and the proposed and final Indiana rulemakings that EPA was not reviewing initial infrastructure SIP submissions under section 110 of the CAA, but rather revisions that would make an already approved SIP designed to demonstrate attainment of the NAAQS less stringent. EPA's partial approval and partial disapproval of revisions to restrictions on emissions of sulfur compounds for the Missouri SIP addressed a control strategy SIP and not an infrastructure SIP. The Indiana action provides even less support for the Sierra Club's position. The review in that rule was of a completely different requirement than the section 110(a)(2)(A) SIP. In that case, the State had an approved SO_2 attainment plan and was seeking to remove from the SIP provisions relied on as part of the modeled attainment demonstration. EPA proposed that the State had failed to demonstrate under section 110(l) of the CAA why the SIP revision would not result in increased SO_2 emissions and thus interfere with attainment of the NAAQS. Nothing in that rulemaking addresses the necessary content of the initial infrastructure SIP for a new or revised NAAQS. Rather, it is simply applying the clear statutory requirement that a state must demonstrate why a revision to an approved attainment plan will not interfere with attainment of the NAAQS.

EPA also does not agree that any requirements related to emission limits have been postponed. As stated in a previous response, EPA interprets the requirements under 110(a)(2)(A) to include enforceable emission limits that will aid in attaining and/or maintaining the NAAQS and that the state demonstrate that it has the necessary tools to implement and enforce a NAAQS, such as adequate state personnel and an enforcement program. With regard to the requirement for emission limitations, EPA has interpreted this to mean, for purposes of section 110, that the state may rely on measures already in place to address the pollutant at issue or any new control measures that the state may choose to submit. Emission limits providing for attainment of a new standard are triggered by the designation process and have a different schedule in the CAA than the submittal of infrastructure SIPs.

As discussed in detail in the proposed rules, EPA finds that the Ohio and Indiana SIPs meet the appropriate and relevant structural requirements of section 110(a)(2) of the CAA that will aid in attaining and/or maintaining the NAAQS, and that the States have demonstrated that they have the necessary tools to implement and enforce a NAAQS.

Comment 4: Sierra Club also discusses several cases applying the CAA which it claims support its contention that courts have been clear that section 110(a)(2)(A) requires enforceable emissions limits in infrastructure SIPs to prevent violations of the NAAQS. Sierra Club first cites to language in *Train* v. *NRDC,* 421 U.S. 60, 78 (1975), addressing the requirement for ''emission limitations'' and stating that emission limitations ''are specific rules to which operators of pollution sources are subject, and which if enforced should result in ambient air which meet the national standards.'' Sierra Club also cites to *Pennsylvania Dept. of Envtl. Resources* v. *EPA,* 932 F.2d 269, 272 (3d Cir. 1991) for the proposition that the CAA directs EPA to withhold approval of a SIP where it does not ensure maintenance of the NAAQS, and to *Mision Industrial, Inc.* v. *EPA,* 547 F.2d 123, 129 (1st Cir. 1976), which quoted section 110(a)(2)(B) of the CAA of 1970. The Sierra Club contends that the 1990 Amendments do not alter how courts have interpreted the requirements of section 110, quoting *Alaska Dept. of Envtl. Conservation* v. *EPA,* 540 U.S. 461, 470 (2004), which in turn quoted section 110(a)(2)(A) of the CAA and also stated that ''SIPs must include certain measures Congress specified'' to ensure attainment of the NAAQS. The Commenter also quotes several additional opinions in this vein. *Mont. Sulphur & Chem. Co.* v. *EPA,* 666 F.3d 1174, 1180 (9th Cir. 2012) (''The Clean Air Act directs states to develop implementation plans—SIPs—that 'assure' attainment and maintenance of [NAAQS] through enforceable emissions limitations''); *Hall* v. *EPA* 273 F.3d 1146, 1153 (9th Cir. 2001) (''Each State must submit a [SIP] that specif[ies] the manner in which [NAAQS] will be achieved and maintained within each air quality control region in the State''); *Conn. Fund for Env't, Inc.* v. *EPA,* 696 F.2d 169, 172 (D.C. Cir. 1982) (CAA requires SIPs to contain ''measures necessary to ensure attainment and maintenance of NAAQS''). Finally, the commenter cites *Mich. Dept. of Envtl. Quality* v. *Browner,* 230 F.3d 181 (6th Cir. 2000) for the proposition that EPA may not approve a SIP revision that does not demonstrate how the rules would not interfere with attainment and maintenance of the NAAQS.

Response 4: None of the cases the Sierra Club cites support its contention that section 110(a)(2)(A) requires that infrastructure SIPs must include detailed plans providing for attainment and maintenance of the NAAQS in all areas of the state, nor do they shed light on how section 110(a)(2)(A) may reasonably be interpreted. With the exception of *Train,* none of the cases the Commenter cites concerned the interpretation of CAA section 110(a)(2)(A) (or section 110(a)(2)(B) of the pre-1990 CAA). Rather, the courts reference section 110(a)(2)(A) (or section 110(a)(2)(B) of the pre-1990 CAA) in the background sections of decisions in the context of challenges to EPA actions on revisions to SIPs that were required and approved as meeting other provisions of the CAA or in the context of an enforcement action.

In *Train,* 421 U.S. 60, the Court was addressing a state revision to an attainment plan submission made pursuant to section 110 of the CAA, the sole statutory provision at that time regulating such submissions. The issue in that case concerned whether changes to requirements that would occur before attainment was required were variances that should be addressed pursuant to the provision governing SIP revisions or were ''postponements'' that must be addressed under section 110(f) of the CAA of 1970, which contained prescriptive criteria. The Court concluded that EPA reasonably interpreted section 110(f) to not restrict a state's choice of the mix of control measures needed to attain the NAAQS and that revisions to SIPs that would not impact attainment of the NAAQS by the attainment date were not subject to the limits of section 110(f). Thus, the issue was not whether a section 110 SIP needs to provide for attainment or whether emissions limits are needed as part of the SIP; rather the issue was which statutory provision governed when the state wanted to revise the emission limits in its SIP if such revision would not impact attainment or maintenance of the NAAQS. To the extent the holding in the case has any bearing on how section 110(a)(2)(A) might be interpreted, it is important to realize that in 1975, when the opinion was issued, section 110(a)(2)(B) (the predecessor to section 110(a)(2)(A)) expressly referenced the requirement to attain the NAAQS, a reference that was removed in 1990.

The decision in *Pennsylvania Dept. of Envtl. Resources* was also decided based on the pre-1990 provision of the CAA. At issue was whether EPA properly rejected a revision to an approved plan where the inventories relied on by the state for the updated submission had gaps. The Court quoted section 110(a)(2)(B) of the pre-1990 CAA in support of EPA's disapproval, but did not provide any interpretation of that

provision. Yet, even if the Court had interpreted that provision, EPA notes that it was modified by Congress in 1990; thus, this decision has little bearing on the issue here.

At issue in *Mision Industrial,* 547 F.2d 123, was the definition of ''emissions limitation,'' not whether section 110 requires the state to demonstrate how all areas of the state will attain and maintain the NAAQS as part of their infrastructure SIPs. The language from the opinion the Sierra Club quotes does not interpret but rather merely describes section 110(a)(2)(A). Sierra Club does not raise any concerns about whether the measures relied on by the state in the infrastructure SIP are ''emissions limitations,'' and the decision in this case has no bearing here.[1]

In *Mont. Sulphur & Chem. Co.,* 666 F.3d 1174, the Court was reviewing a Federal implementation plan (FIP) that EPA promulgated after a long history of the state failing to submit an adequate SIP in response to EPA's finding under section 110(k)(5) that the previously approved SIP was substantially inadequate to attain or maintain the NAAQS, which triggered the state's duty to submit a new SIP to show how it would remedy that deficiency and attain the NAAQS. The Court cited generally sections 107 and 110(a)(2)(A) of the CAA for the proposition that SIPs should assure attainment and maintenance of NAAQS through emission limitations, but this language was not part of the Court's holding in the case, which focused instead on whether EPA's finding of SIP inadequacy, disapproval of portions of the state's responsive SIP and attainment demonstration, and adoption of a remedial FIP were lawful.

The Sierra Club suggests that *Alaska Dept. of Envtl. Conservation,* 540 U.S. 461, stands for the proposition that the 1990 CAA Amendments do not alter how courts interpret section 110. This claim is inaccurate. Rather, the Court quoted section 110(a)(2)(A), which, as noted previously, differs from the pre-1990 version of that provision, and the Court makes no mention of the changed language. Furthermore, the Sierra Club also quotes the Court's statement that ''SIPs must include certain measures Congress specified,'' but that statement specifically referenced the requirement in section 110(a)(2)(C), which requires an enforcement program and a program for the regulation of the modification and construction of new sources. Notably, at issue in that case was the state's ''new source'' permitting program, not its infrastructure SIP.

Two of the cases the Sierra Club cites, *Mich. Dept. of Envtl. Quality,* 230 F.3d 181, and *Hall,* 273 F.3d 1146, interpret CAA section 110(l), the provision governing ''revisions'' to plans, and not the initial plan submission requirement under section 110(a)(2) for a new or revised NAAQS, such as the infrastructure SIP at issue in this instance. In those cases, the courts cited section 110(a)(2)(A) solely for the purpose of providing a brief background of the CAA.

Finally, in *Conn. Fund for Env't, Inc.* v. *EPA,* 696 F.2d 169 (D.C. Cir. 1982), the D.C. Circuit was reviewing EPA action on a control measure SIP provision which adjusted the percent of sulfur permissible in fuel oil. The D.C. Circuit focused on whether EPA needed to evaluate effects of the SIP revision on one pollutant or effects of change on all possible pollutants; therefore, the D.C. Circuit did not address required measures for infrastructure SIPs, and nothing in the opinion addressed whether infrastructure SIPs needed to contain measures to ensure attainment and maintenance of the NAAQS.

Comment 5: Citing section 110(a)(2)(A) of the CAA, Sierra Club contends that EPA may not approve the proposed infrastructure SIPs because they do not include enforceable one hour SO_2 emission limits for sources that show NAAQS exceedances through modeling. Sierra Club asserts the proposed infrastructure SIPs fail to include enforceable one hour SO_2 emissions limits or other required measures to ensure attainment and maintenance of the SO_2 NAAQS in areas not designated nonattainment as required by section 110(a)(2)(A). Sierra Club asserts that emission limits are especially important for meeting the 2010 SO_2 NAAQS because SO_2 impacts are strongly source-oriented. Sierra Club states that coal-fired electric generating units (EGUs) are large contributors to SO_2 emissions but contends that Ohio and Indiana did not demonstrate that emissions allowed by the proposed infrastructure SIPs from such large sources of SO_2 will ensure compliance with the 2010 SO_2 NAAQS.

For Ohio, the Sierra Club claims that the proposed infrastructure SIP would allow major sources to continue operating with present emission limits. Sierra Club then refers to air dispersion modeling it conducted for three coal-fired EGUs in Ohio including the Cardinal Power Plant (Brilliant), the Sammis Station (Stratton), and the Zimmer Plant (Moscow). Sierra Club asserts that the results of the air dispersion modeling it conducted employing EPA's AERMOD program for modeling used the plants' allowable and actual emissions, and showed that the plants could cause exceedances of the 2010 SO_2 NAAQS with either allowable emissions at all three facilities or actual emissions at the Zimmer Plant.[2]

For Indiana, the Sierra Club also claims that the proposed infrastructure SIP would allow major sources to continue operating with present emission limits. Sierra Club then refers to air dispersion modeling it conducted for three coal-fired EGUs in Indiana, including the A.B. Brown Plant (Mount Vernon), the Clifty Creek Plant (Madison), and the Gibson Plant (Owensville). Sierra Club asserts that the results of the air dispersion modeling it conducted employing EPA's AERMOD program for modeling used the plants' allowable and actual emissions, and showed the plants could cause exceedances of the 2010 SO_2 NAAQS with either allowable or actual emissions at all three facilities.

Based on the modeling, Sierra Club asserts that the Ohio and Indiana SO_2 infrastructure SIP submittals authorize these EGUs to cause exceedances of the NAAQS with allowable and actual emission rates, and therefore that the infrastructure SIP fails to include adequate enforceable emission limitations or other required measures for sources of SO_2 sufficient to ensure attainment and maintenance of the 2010 SO_2 NAAQS. As a result, Sierra Club claims EPA must disapprove Ohio and Indiana's proposed SIP revisions. In addition, Sierra Club asserts that additional emission limits should be imposed on the plants that ensure attainment and maintenance of the NAAQS at all times.

Response 5: EPA believes that section 110(a)(2)(A) of the CAA is reasonably interpreted to require states to submit SIPs that reflect the first step in their planning for attainment and maintenance of a new or revised NAAQS. These SIP revisions, also known as infrastructure SIPs, should contain enforceable control measures and a demonstration that the state has the available tools and authority to develop and implement plans to attain and maintain the NAAQS. In light of the structure of the CAA, EPA's long-

[1] While the Sierra Club does contend that the State shouldn't be allowed to rely on emission reductions that were developed for the prior SO_2 standards (which we address herein), it does not claim that any of the measures are not ''emissions limitations'' within the definition of the CAA.

[2] Sierra Club asserts its modeling followed protocols pursuant to 40 CFR part 50, Appendix W, EPA's March 2011 guidance for implementing the 2010 SO_2 NAAQS, and EPA's December 2013 SO_2 NAAQS Designation Technical Assistance Document for the for both Indiana and Ohio.

standing position regarding infrastructure SIPs is that they are general planning SIPs to ensure that the state has adequate resources and authority to implement a NAAQS in general throughout the state and not detailed attainment and maintenance plans for each individual area of the state. As mentioned above, with regard to the requirement for emission limitations, EPA has interpreted this to mean that states may rely on measures already in place to address the pollutant at issue or any new control measures that *the state* may choose to submit.

EPA's interpretation that infrastructure SIPs are more general planning SIPs is consistent with the CAA as understood in light of its history and structure. When Congress enacted the CAA in 1970, it did not include provisions requiring states and the EPA to label areas as attainment or nonattainment. Rather, states were required to include all areas of the state in ''air quality control regions'' (AQCRs) and section 110 set forth the core substantive planning provisions for these AQCRs. At that time, Congress anticipated that states would be able to address air pollution quickly pursuant to the very general planning provisions in section 110 and could bring all areas into compliance with a new NAAQS within five years. Moreover, at that time, section 110(a)(2)(A)(i) specified that the section 110 plan provide for ''attainment'' of the NAAQS and section 110(a)(2)(B) specified that the plan must include ''emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance [of the NAAQS].'' In 1977, Congress recognized that the existing structure was not sufficient and that many areas were still violating the NAAQS. At that time, Congress for the first time added provisions requiring states and EPA to identify whether areas of a state were violating the NAAQS (*i.e.,* were nonattainment) or were meeting the NAAQS (*i.e.,* were attainment) and established specific planning requirements in section 172 for areas not meeting the NAAQS. In 1990, many areas still had air quality not meeting the NAAQS, and Congress again amended the CAA and added yet another layer of more prescriptive planning requirements for each of the NAAQS. At that same time, Congress modified section 110 to remove references to the section 110 SIP providing for attainment, including removing pre-existing section 110(a)(2)(A) in its entirety and renumbering subparagraph (B) as section 110(a)(2)(A). Additionally, Congress replaced the clause ''as may be necessary to insure attainment and maintenance [of the NAAQS]'' with ''as may be necessary or appropriate to meet the applicable requirements of this chapter.'' Thus, the CAA has significantly evolved in the more than 40 years since it was originally enacted. While at one time section 110 of the CAA did provide the only detailed SIP planning provisions for states and specified that such plans must provide for attainment of the NAAQS, under the structure of the current CAA, section 110 is only the initial stepping-stone in the planning process for a specific NAAQS. In addition, more detailed, later-enacted provisions govern the substantive planning process, including planning for attainment of the NAAQS, depending upon how air quality status is judged under other provisions of the CAA, such as the designations process under section 107.

As stated in response to a previous comment, EPA asserts that section 110 of the CAA is only one provision that is part of the complicated structure governing implementation of the NAAQS program under the CAA, as amended in 1990, and it must be interpreted in the context of not only that structure, but also of the historical evolution of that structure. In light of the revisions to section 110 since 1970 and the later-promulgated and more specific planning requirements of the CAA, EPA reasonably interprets the requirement in section 110(a)(2)(A) of the CAA that the plan provide for ''implementation, maintenance and enforcement'' to mean that the infrastructure SIP must contain enforceable emission limits that will aid in attaining and/or maintaining the NAAQS and that the state must demonstrate that it has the necessary tools to implement and enforce a NAAQS, such as an adequate monitoring network and an enforcement program. As discussed above, EPA has interpreted the requirement for emission limitations in section 110 to mean that the state may rely on measures already in place to address the pollutant at issue or any new control measures that the state may choose to submit. Finally, as EPA stated in the Infrastructure SIP Guidance which specifically provides guidance to states in addressing the 2010 SO_2 NAAQS, ''[t]he conceptual purpose of an infrastructure SIP submission is to assure that the air agency's SIP contains the necessary structural requirements for the new or revised NAAQS, whether by establishing that the SIP already contains the necessary provisions, by making a substantive SIP revision to update the SIP, or both.'' Infrastructure SIP Guidance at p. 2.

On April 12, 2012, EPA explained its expectations regarding the 2010 SO_2 NAAQS infrastructure SIPs via letters to each of the states. EPA communicated in the April 2012 letters that all states were expected to submit SIPs meeting the ''infrastructure'' SIP requirements under section 110(a)(2) of the CAA by June 2013. At the time, the EPA was undertaking a stakeholder outreach process to continue to develop possible approaches for determining attainment status with the SO_2 NAAQS and implementing this NAAQS. EPA was abundantly clear in the April 2012 letters to states that EPA did not expect states to submit substantive attainment demonstrations or modeling demonstrations showing attainment for potentially unclassifiable areas in infrastructure SIPs due in June 2013, as EPA had previously suggested in its 2010 SO_2 NAAQS preamble based upon information available at the time and in prior draft implementation guidance in 2011 while EPA was gathering public comment. The April 2012 letters to states recommended states focus infrastructure SIPs due in June 2013, such as Ohio and Indiana's SO_2 infrastructure SIP, on ''traditional infrastructure elements'' in section 110(a)(1) and (2) rather than on modeling demonstrations for future attainment for potentially unclassifiable areas.[3]

[3] In EPA's final SO_2 NAAQS preamble (75 FR 35520 (June 22, 2010)) and subsequent draft guidance in March and September 2011, EPA had expressed its expectation that many areas would be initially designated as unclassifiable due to limitations in the scope of the ambient monitoring network and the short time available before which states could conduct modeling to support their designations recommendations due in June 2011. In order to address concerns about potential violations in these potentially unclassifiable areas, EPA initially recommended that states submit substantive attainment demonstration SIPs based on air quality modeling by June 2013 (under section 110(a)) that show how their unclassifiable areas would attain and maintain the NAAQS in the future. *Implementation of the 2010 Primary 1-Hour SO_2 NAAQS, Draft White Paper for Discussion,* May 2012 (for discussion purposes with Stakeholders at meetings in May and June 2012), available at *http://www.epa.gov/airquality/sulfurdioxide/implement.html.* However, EPA clearly stated in this 2012 Draft White Paper its clarified implementation position that it was no longer recommending such attainment demonstrations for unclassifiable areas for June 2013 infrastructure SIPs. *Id.* EPA had stated in the preamble to the NAAQS and in the prior 2011 draft guidance that EPA intended to develop and seek public comment on guidance for modeling and development of SIPs for sections 110 and 191 of the CAA. Section 191 of the CAA requires states to submit SIPs in accordance with section 172 for areas designated

Therefore, EPA continues to believe that the elements of section 110(a)(2) which address SIP revisions for nonattainment areas including measures and modeling demonstrating attainment are due by the dates statutorily prescribed under subparts 2 through 5 under part D of title I. The CAA directs states to submit these 110(a)(2) elements for nonattainment areas on a separate schedule from the ''structural requirements'' of 110(a)(2) which are due within three years of adoption or revision of a NAAQS. The infrastructure SIP submission requirement does not move up the date for any required submission of a part D plan for areas designated nonattainment for the new NAAQS. Thus, elements relating to demonstrating attainment for areas not attaining the NAAQS are not necessary for states to include in the infrastructure SIP submission, and the CAA does not provide explicit requirements for demonstrating attainment for areas potentially designated as ''unclassifiable'' (or that have not yet been designated) regarding attainment with a particular NAAQS.

As stated previously, EPA believes that the proper inquiry at this juncture is whether Ohio and Indiana have met the basic structural SIP requirements appropriate at the point in time EPA is acting upon the infrastructure submittal. Emissions limitations and other control measures needed to attain the NAAQS in areas designated nonattainment for that NAAQS are due on a different schedule from the section 110 infrastructure elements. States, like Ohio and Indiana, may reference pre-existing SIP emission limits or other rules contained in part D plans for previous NAAQS in an infrastructure SIP submission. For example, Ohio and Indiana submitted lists of existing emission reduction measures in the SIP that control emissions of SO_2 as discussed above in response to a prior comment and discussed in detail in our proposed rulemakings. Ohio and Indiana's SIP revisions reflect several provisions that have the ability to reduce SO_2. Although the Ohio and Indiana SIPs rely on measures and programs used to implement previous SO_2 NAAQS, these provisions will provide benefits for the 2010 SO_2 NAAQS. The identified Ohio and Indiana SIP measures help to reduce overall SO_2 and are not limited to reducing SO_2 levels to meet one specific NAAQS.

Additionally, as discussed in EPA's proposed rules, Ohio and Indiana have the ability to revise their SIPs when necessary (e.g, in the event the Administrator finds their plans to be substantially inadequate to attain the NAAQS or otherwise meet all applicable CAA requirements) as required under element H of section 110(a)(2).

EPA believes the requirements for emission reduction measures for an area designated nonattainment to come into attainment with the 2010 primary SO_2 NAAQS are in sections 172 and 192 of the CAA, and, therefore, the appropriate time for implementing requirements for necessary emission limitations for demonstrating attainment with the 2010 SO_2 NAAQS is through the attainment planning process contemplated by those sections of the CAA. On August 5, 2013, EPA designated as nonattainment most areas in locations where existing monitoring data from 2009–2011 indicated violations of the 2010 SO_2 standard. EPA designated Lake County and portions of Clermont, Morgan, Washington, and Jefferson Counties in Ohio and portions of Marion, Morgan, Daviess, Pike, and Vigo Counties in Indiana as nonattainment areas for the 2010 SO_2 NAAQS. 78 FR 47191 (August 5, 2013). In separate future actions, EPA will address the designations for all other areas for which the Agency has yet to issue designations. *See, e.g.,* 79 FR 27446 (May 13, 2014) (proposing process and timetables by which state air agencies would characterize air quality around SO_2 sources through ambient monitoring and/or air quality modeling techniques and submit such data to the EPA for future attainment status determinations under the 2010 SO_2 NAAQS). For the areas designated nonattainment in August 2013 within Ohio and Indiana, attainment SIPs were due by April 4, 2015, and must contain demonstrations that the areas will attain as expeditiously as practicable, but no later than October 4, 2018, pursuant to sections 172, 191 and 192, including a plan for enforceable measures to reach attainment of the NAAQS. EPA believes it is not appropriate to bypass the attainment planning process by imposing separate requirements outside the attainment planning process. Such actions would be disruptive and premature absent exceptional circumstances and would interfere with a state's planning process. *See In the Matter of EME Homer City Generation LP and First Energy Generation Corp.,* Order on Petitions Numbers III–2012–06, III–2012–07, and III 2013–01 (July 30, 2014) (hereafter, *Homer City/Mansfield Order*) at 10–19 (finding Pennsylvania SIP did not require imposition of SO_2 emission limits on sources independent of the part D attainment planning process contemplated by the CAA). EPA believes that the history of the CAA and intent of Congress for the CAA as described above demonstrate clearly that it is within the section 172 and general part D attainment planning process that Ohio and Indiana must include additional SO_2 emission limits on sources in order to demonstrate future attainment, where needed.

The Sierra Club's reliance on 40 CFR 51.112 to support its argument that infrastructure SIPs must contain emission limits adequate to provide for timely attainment and maintenance of the standard is also not supported. As explained previously in response to the background comments, EPA notes this regulatory provision clearly on its face applies to plans specifically designed to attain the NAAQS and not to infrastructure SIPs which show the states have in place structural requirements necessary to implement the NAAQS. Therefore, EPA finds 40 CFR 51.112 inapplicable to its analysis of the Ohio and Indiana SO_2 infrastructure SIPs.

As noted in EPA's preamble for the 2010 SO_2 NAAQS, determining compliance with the SO_2 NAAQS will likely be a source-driven analysis, and EPA has explored options to ensure that the SO_2 designations process realistically accounts for anticipated SO_2 reductions at sources that we expect will be achieved by current and pending national and regional rules. *See* 75 FR 35520 (June 22, 2010). As mentioned previously above, EPA has proposed a process to address additional areas in states which may not be attaining the 2010 SO_2 NAAQS. *See* 79 FR 27446 (May, 13, 2014, proposing process for gather further information from additional monitoring or modeling that may be used to inform future attainment status determinations). In addition, in response to lawsuits in district courts seeking to compel EPA's remaining designations of undesignated areas under the NAAQS, EPA has been placed under a court order to complete the designations process under section 107. However, because the purpose of an infrastructure SIP submission is for more general planning purposes, EPA does not believe Ohio and Indiana were obligated during this infrastructure SIP

nonattainment with the SO_2 NAAQS. After seeking such comment, EPA has now issued guidance for the nonattainment area SIPs due pursuant to sections 191 and 172. *See Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,* Stephen D. Page, Director, EPA's Office of Air Quality Planning and Standards, to Regional Air Division Directors Regions 1–10, April 23, 2014. In September 2013, EPA had previously issued specific guidance relevant to infrastructure SIP submissions due for the NAAQS, including the 2010 SO_2 NAAQS. *See* Infrastructure SIP Guidance.

planning process to account for controlled SO_2 levels at individual sources. *See Homer City/Mansfield Order* at 10–19.

Regarding the air dispersion modeling conducted by Sierra Club pursuant to AERMOD for the coal-fired EGUs, EPA is not at this stage prepared to opine on whether it demonstrates violations of the NAAQS, and does not find the modeling information relevant at this time for review of an infrastructure SIP. While EPA has extensively discussed the use of modeling for attainment demonstration purposes and for designations and other actions in which areas' air quality status is determined, EPA has recommended that such modeling was not needed for the SO_2 infrastructure SIPs needed for the 2010 SO_2 NAAQS. *See* April 12, 2012, letters to states regarding SO_2 implementation and *Implementation of the 2010 Primary 1-Hour SO_2 NAAQS, Draft White Paper for Discussion,* May 2012, available at *http://www.epa.gov/airquality/sulfurdioxide/implement.html.* In contrast, EPA recently discussed modeling for designations in our May 14, 2014, proposal at 79 FR 27446 and for nonattainment planning in the April 23, 2014, *Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions.*

In conclusion, EPA disagrees with Sierra Club's statements that EPA must disapprove Ohio and Indiana's infrastructure SIP submissions because they do not establish at this time specific enforceable SO_2 emission limits either on coal-fired EGUs or other large SO_2 sources in order to demonstrate attainment with the NAAQS.

Comment 6: Sierra Club asserts that modeling is the appropriate tool for evaluating adequacy of infrastructure SIPs and ensuring attainment and maintenance of the 2010 SO_2 NAAQS. It refers to EPA's historic use of air dispersion modeling for attainment designations as well as ''SIP revisions.''

The Sierra Club cites to *Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto Ins. Co.,* 463 U.S. 29,43 (1983) and *NRDC* v. *EPA,* 571 F.3d 1245, 1254 (D.C. Cir. 2009) for the general proposition that it would be arbitrary and capricious for an agency to ignore an aspect of an issue placed before it and for the statement that an agency must consider information presented during notice-and-comment rulemaking.

The Sierra Club cites prior EPA statements that the Agency has used modeling for designations and attainment demonstrations, including statements in the 2010 SO_2 NAAQS preamble, EPA's 2012 Draft White Paper for Discussion on Implementing the 2010 SO_2 NAAQS, and a 1994 SO_2 Guideline Document, as modeling could better address the source-specific impacts of SO_2 emissions and historic challenges from monitoring SO_2 emissions. The Sierra Club discusses EPA's history of employing air dispersion modeling for increment compliance verifications in the permitting process for the PSD program and discusses different scenarios where the AERMOD model functions appropriately.

The Sierra Club asserts that EPA's use of air dispersion modeling was upheld in *GenOn REMA, LLC* v. *EPA,* 722 F.3d 513 (3rd Cir. 2013) where an EGU challenged EPA's use of CAA section 126 to impose SO_2 emission limits on a source due to cross-state impacts. The Sierra Club claims that the Third Circuit in *GenOn REMA* upheld EPA's actions after examining the record which included EPA's air dispersion modeling of the one source as well as other data.

Finally, the Sierra Club agrees that Ohio and Indiana have the authority to use modeling for attainment demonstrations, but claims that Ohio and Indiana's proposed SO_2 infrastructure SIPs lack emission limitations informed by air dispersion modeling and therefore fail to ensure Ohio and Indiana will achieve and maintain the 2010 SO_2 NAAQS. Sierra Club claims Ohio and Indiana must require adequate one hour SO_2 emission limits in the infrastructure SIP that show no exceedances of NAAQS when modeled.

For Indiana, the Sierra Club specifically points out the need for modeling demonstrated by Duke Energy's Gibson Plant. It alleges that the air monitor is not showing the true picture of the occurring violations. The Sierra Club states that its model predicts no impact at the monitor, but violations nearby.

Response 6: EPA agrees with the Sierra Club that air dispersion modeling, such as AERMOD, can be an important tool in the CAA section 107 designations process, in the attainment SIP process pursuant to sections 172 and 192, including supporting required attainment demonstrations, and in other actions in which areas' air quality status is determined. EPA agrees that prior EPA statements, EPA guidance, and case law support the use of air dispersion modeling in these processes, as well as in analyses of whether existing approved SIPs remain adequate to show attainment and maintenance of the SO_2 NAAQS. However, EPA disagrees with the Sierra Club that EPA must disapprove Ohio's and Indiana's SO_2 infrastructure SIPs for their alleged failure to include source-specific SO_2 emission limits that show no exceedances of the NAAQS when modeled, since this is not an action in which air quality status is being determined or for which there is a duty for the States to demonstrate future attainment of the NAAQS in areas that may be violating it.

As discussed previously and in the Infrastructure SIP Guidance, EPA believes the conceptual purpose of an infrastructure SIP submission is to assure that the air agency's SIP contains the necessary structural requirements for the new or revised NAAQS and that the infrastructure SIP submission process provides an opportunity to review the basic structural requirements of the air agency's air quality management program in light of the new or revised NAAQS. *See* Infrastructure SIP Guidance at p. 2. EPA believes the attainment planning process detailed in part D of the CAA, including attainment SIPs required by sections 172 and 192 for areas not attaining the NAAQS, is the appropriate place for the state to evaluate measures needed to bring nonattainment areas into attainment with a NAAQS and to impose additional emission limitations such as SO_2 emission limits on specific sources as needed to achieve such future attainment. While EPA had initially suggested in the final 2010 SO_2 NAAQS preamble (75 FR 35520) and subsequent draft guidance in March and September 2011 that EPA recommended states submit substantive attainment demonstration SIPs based on air quality modeling in section 110(a) SIPs due in June 2013 to show how areas expected to be designated as unclassifiable would attain and maintain the NAAQS, these initial statements in the preamble and 2011 draft guidance were based on EPA's initial expectation that most areas would by June 2012 be initially designated as unclassifiable due to limitations in the scope of the ambient monitoring network and the short time available before which states could conduct modeling to support designations recommendations in 2011. However, after receiving comments from the states regarding these initial statements and the timeline for implementing the NAAQS, EPA subsequently stated in the April 12, 2012, letters to the states and in the May 2012 *Implementation of the 2010 Primary 1-Hour SO_2 NAAQS, Draft White Paper for Discussion* that EPA was clarifying its implementation position and that EPA was no longer recommending such attainment demonstrations supported by air dispersion modeling for unclassifiable

areas (which had not yet been designated) for June 2013 infrastructure SIPs. EPA reaffirmed this position that EPA did not expect attainment demonstrations for areas not designated nonattainment for infrastructure SIPs in the February 6, 2013, memorandum, ''Next Steps for Area Designations and Implementation of the Sulfur Dioxide National Ambient Air Quality Standard.'' [4] As previously mentioned, EPA had stated in the preamble to the NAAQS and in the prior 2011 draft guidance that EPA intended to develop and seek public comment on guidance for modeling and development of SIPs for sections 110, 172 and 191–192 of the CAA. After receiving such further comment, EPA has now issued guidance for the nonattainment area SIPs due pursuant to sections 191–192 and 172 and proposed a process for further designations for the 2010 SO_2 NAAQS, which could include use of air dispersion modeling. *See* April 23, 2014, *Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions* and 79 FR 27446 (proposing process and timetables for additional gathering of information to support future attainment status determinations informed through ambient monitoring and/or air quality modeling). While the EPA guidance for attainment SIPs and the proposed process for additional information gathering discusses use of air dispersion modeling, EPA's 2013 Infrastructure SIP Guidance did not require use of air dispersion modeling to inform emission limitations for section 110(a)(2)(A) to ensure no exceedances of the NAAQS when sources are modeled. Therefore, as discussed previously, EPA believes the Ohio and Indiana SO_2 infrastructure SIP submittals contains the structural requirements to address elements in section 110(a)(2) as discussed in detail in our proposed approval and in our response to a prior comment. EPA believes infrastructure SIPs are general planning SIPs to ensure that a state has adequate resources and authority to implement a NAAQS. Infrastructure SIP submissions are not intended to act or fulfill the obligations of a detailed attainment and/or maintenance plan for each individual area of the state that is not attaining the NAAQS. While infrastructure SIPs must address modeling authorities in general for section 110(a)(2)(K), EPA believes 110(a)(2)(K) requires infrastructure SIPs to provide the state's authority for air quality modeling and for submission of modeling data to EPA, not specific air dispersion modeling for large stationary sources of pollutants such as SO_2 in a SO_2 infrastructure SIP. In the proposed rules for this action, EPA provided a detailed explanation of Ohio's and Indiana's abilities and authorities to conduct air quality modeling when required and their authority to submit modeling data to the EPA.

EPA finds Sierra Club's discussion of case law and guidance to be irrelevant to our analysis here of the Ohio and Indiana infrastructure SIPs, as this SIP for section 110(a) is not an attainment SIP required to demonstrate attainment of the NAAQS pursuant to section 172. In addition, Sierra Club's comments relating to EPA's use of AERMOD or modeling in general in designations pursuant to section 107 are likewise irrelevant as EPA's present approval of Ohio's and Indiana's infrastructure SIPs are unrelated to the section 107 designations process. Nor is our action on this infrastructure SIP related to any new source review (NSR) or PSD permit program issue. As outlined in the August 23, 2010, clarification memo, ''Applicability of Appendix W Modeling Guidance for the 1-hour SO_2 National Ambient Air Quality Standard'' (U.S. EPA, 2010a), AERMOD is the preferred model for single source modeling to address the 2010 SO_2 NAAQS as part of the NSR/PSD permit programs. Therefore, as attainment SIPs, designations, and NSR/PSD actions are outside the scope of a required infrastructure SIP for the 2010 SO_2 NAAQS for section 110(a), EPA provides no further response to the Commenter's discussion of air dispersion modeling for these applications. If Sierra Club resubmits its air dispersion modeling for the Ohio and Indiana EGUs, or updated modeling information in the appropriate context where an evaluation of areas' air quality status is being conducted, including the Gibson Plant referenced in this comment, EPA will address the resubmitted modeling or updated modeling in the appropriate future context when an analysis of whether Ohio and Indiana's emissions limits are adequate to show attainment and maintenance of the NAAQS is warranted.

The Sierra Club correctly noted that the Third Circuit upheld EPA's section 126 Order imposing SO_2 emissions limitations on an EGU pursuant to CAA section 126. *GenOn REMA, LLC* v. *EPA,* 722 F.3d 513. Pursuant to section 126, any state or political subdivision may petition EPA for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of section 110(a)(2)(D)(i)(I), which relates to significant contributions to nonattainment or maintenance in another state. The Third Circuit upheld EPA's authority under section 126 and found EPA's actions neither arbitrary nor capricious after reviewing EPA's supporting docket which included air dispersion modeling as well as ambient air monitoring data showing violations of the NAAQS. The Sierra Club appears to have cited this matter to demonstrate again EPA's use of modeling for certain aspects of the CAA. EPA agrees with the Sierra Club regarding the appropriate role air dispersion modeling has for designations, attainment SIPs, and demonstrating significant contributions to interstate transport. However, EPA's approval of Ohio and Indiana's infrastructure SIPs is based on our determination that Ohio and Indiana have the required structural requirements pursuant to section 110(a)(2) in accordance with our explanation of the intent for infrastructure SIPs as discussed in the 2013 Infrastructure SIP Guidance. Therefore, while air dispersion modeling may be appropriate for consideration in certain circumstances, EPA does not find air dispersion modeling demonstrating no exceedances of the NAAQS to be a required element before approval of infrastructure SIPs for section 110(a) or specifically for 110(a)(2)(A). Thus, EPA disagrees with the Sierra Club that EPA must require additional emission limitations in the Ohio and Indiana SO_2 infrastructure SIPs informed by air dispersion modeling and demonstrating attainment and maintenance of the 2010 NAAQS.

In its comments, Sierra Club relies on *Motor Vehicle Mfrs. Ass'n* and *NRDC* v. *EPA* to support its comments that EPA *must now* consider the Sierra Club's modeling data based on administrative law principles regarding consideration of comments provided during a rulemaking process. EPA notes that it has considered the modeling submitted by the Sierra Club, as well as all of its submitted comments, to the extent that they are germane to the action being undertaken here. This action is not, in addition to being the traditional action on infrastructure SIPs described above, a response to a separate administrative petition to determine the air quality status of Ohio and Indiana generally. Therefore, the information Sierra Club has submitted regarding such a potential determination is not germane to this action. As discussed in detail in the

[4] The February 6, 2013 ''Next Steps for Area Designations and Implementation of the Sulfur Dioxide National Ambient Air Quality Standard,'' one of the April 12, 2012 state letters, and the May 2012 *Draft White Paper* are available at *http://www.epa.gov/airquality/sulfurdioxide/implement.html.*

Responses above, EPA does not believe the infrastructure SIPs required by section 110(a) must contain emission limits demonstrating future attainment with a NAAQS. Part D of the CAA contains numerous requirements for the NAAQS attainment planning process including requirements for attainment demonstrations in section 172 supported by appropriate modeling. As also discussed previously, section 107 supports EPA's use of modeling in the designations process. In *Catawba,* the D.C. Circuit upheld EPA's consideration of data or factors for designations other than ambient monitoring. EPA does not believe state infrastructure SIPs must contain emission limitations informed by air dispersion modeling demonstrating current future NAAQS attainment in order to meet the requirements of section 110(a)(2)(A). Thus, EPA has not evaluated the persuasiveness of the Commenter's submitted modeling for that purpose, and finds that it is not relevant to the approvability of Ohio's and Indiana's proposed infrastructure SIPs for the 2010 SO_2 NAAQS.

III. What action is EPA taking?

For the reasons discussed in our February 27, 2015, proposed rulemaking and in the above responses to public comments, EPA is taking final action to approve Indiana's infrastructure SIP for the 2010 NO_2 and SO_2 NAAQS as proposed.

For the reasons discussed in our July 25, 2014, proposed rulemaking, EPA is taking final action to approve Ohio's infrastructure SIP for the 2010 SO_2 NAAQS as proposed. In the July 25, 2014, rulemaking, EPA also proposed approval for Ohio's 2008 lead, 2008 ozone, and 2010 NO_2 infrastructure submittals. Those approvals have been finalized in separate rulemakings (*see* 79 FR 60075, October 6, 2014, and 79 FR 62019, October 16, 2014). In today's rulemaking, we are taking final action on only the infrastructure SIP requirements for the 2010 SO_2 NAAQS for Ohio. Our final actions by element of section 110(a)(2) and NAAQS, are contained in the table below.[5]

Element	2010 NO_2 NAAQS for Indiana	2010 SO_2 NAAQS for Indiana	2010 SO_2 NAAQS for Ohio
(A): Emission limits and other control measures	A	A	A
(B): Ambient air quality monitoring and data system	A	A	A
(C)1: Enforcement of SIP measures	A	A	A
(C)2: PSD	A	A	A
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS	A	NA	NA
(D)2: PSD	A	A	A
(D)3: Visibility Protection	NA	NA	NA
(D)4: Interstate Pollution Abatement	A	A	A
(D)5: International Pollution Abatement	A	A	A
(E)1: Adequate resources	A	A	A
(E)2: State boards	A	A	A
(F): Stationary source monitoring system	A	A	A
(G): Emergency power	A	A	A
(H): Future SIP revisions	A	A	A
(I): Nonattainment area plan or plan revisions under part D	NA	NA	NA
(J)1: Consultation with government officials	A	A	A
(J)2: Public notification	A	A	A
(J)3: PSD	A	A	A
(J)4: Visibility protection (Regional Haze)	NA	NA	NA
(K): Air quality modeling and data	A	A	A
(L): Permitting fees	A	A	A
(M): Consultation and participation by affected local entities	A	A	A

In the table above, the key is as follows:

A	Approve.
a	Approved in a previous Rulemaking.
NA	No Action/Separate Rulemaking.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

[5] As stated previously, EPA will take later, separate action on portions of Ohio and Indiana's SO_2 infrastructure SIP submittal including the portions of the SIP submittal addressing section 110(a)(2)(D)(i)(I) and the visibility portion of 110(a)(2)(D)(i)(II).

application of those requirements would be inconsistent with the CAA; and

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 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 section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, sulfur dioxide, nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: August 3, 2015.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52— APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770 the table in paragraph (e) is amended by adding entries in alphabetical order for ''Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS'' and ''Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA Approval	Explanation
* *	*	* *	* * *
Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	1/15/2013	8/14/2015, [insert Federal Register citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II) except visibility, (D)(ii), (E), (F), (G), (H), (J) except visibility, (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	5/22/2013	8/14/2015, [insert Federal Register citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) except visibility, (D)(ii), (E), (F), (G), (H), (J) except visibility, (K), (L), and (M).
* *	*	* *	* * *

■ 3. Section 52.1891 is amended by revising paragraph (h) to read as follows:

§ 52.1891 Section 110(a)(2) Infrastructure Requirements.

* * * * *

(h) Approval—In a June 7, 2013, submittal, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2010 SO_2 NAAQS. We are not finalizing action on section 110(a)(2)(D)(i)(I)—Interstate transport prongs 1 and 2 or visibility portions of section 110(a)(2)(D)(i)(II) and 110(a)(2)(J).

[FR Doc. 2015–20020 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0496; FRL–9931–06]

Fludioxonil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fludioxonil in or on carrots, the stone fruit group 12–12, and the rapeseed subgroup 20A, except flax seed. Interregional Research Project Number 4 (IR–4) requested the tolerances for carrots and the stone fruit group 12–12, and Syngenta Crop Protection requested the tolerance for the rapeseed subgroup 20A under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 14, 2015. Objections and requests for hearings must be received on or before October 13, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0496, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0496 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before October 13, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0496, 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 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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E8272) by IR–4, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide fludioxonil [4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile] in or on the raw agricultural commodity carrot at 7.0 ppm, and by changing the existing entry for ''fruit, stone, group 12 at 5.0 ppm'' to ''fruit, stone, group 12–12 at 5.0 ppm.'' That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.*

In the **Federal Register** of October 24, 2014 (79 FR 63594) (FRL–9916–03), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8277) by Syngenta Crop Protection, LLC, 410 Swing Rd., Greensboro, NC 27419. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide fludioxonil in or on the rapeseed subgroup 20A, except flax seed at 0.01 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.*

Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fludioxonil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fludioxonil follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

In all species tested, the effects in the fludioxonil database are indicative of toxicity to the liver and kidney. The hematopoietic system was also a target in dogs. There were also decreased body weights and clinical signs throughout the database. Fludioxonil was non-toxic through the dermal route, and there was no evidence of immunotoxicity when tested up to and including the limit dose. Fludioxonil was not mutagenic in the tests for gene mutations.

In a rat developmental toxicity study, fludioxonil caused an increase in fetal incidence and litter incidence of dilated renal pelvis at the limit dose (1,000 mg/kg/day). These effects are known to occur spontaneously in the rat, in addition to being transient and reversible which is consistent with the fludioxonil hazard database (not seen in offspring in the 2-generation reproductive study). Under current policy, the agency considers classification of these effects as treatment-related but conservative and not indicative of increased fetal susceptibility. Maternal toxicity occurred at the same dose and manifested as body weight decrements. In the 2-generation reproduction study, parental and offspring effects occurred at the same dose and consisted of decreased body weights in parental and offspring animals, as well as increased clinical signs in parental animals.

There was no evidence of carcinogenicity in male or female CD–1 mice and male Sprague-Dawley rats following dietary administration at doses that were adequate for assessing the carcinogenic potential of fludioxonil. In female Sprague-Dawley rats, there was a statistically significant increase in tumor incidence only when hepatocellular adenomas and carcinomas were combined (not for individual tumor types). The pairwise increase for combined tumors was significant at p=0.03, which is not a strong indication of a positive effect. Further, statistical significance was only found when liver adenomas were combined with liver carcinomas. Finally, the increase in these tumors was within, but at the high-end, of the historical controls. Based on these findings and in accordance with the Agency's 1986 ''Guidelines for Carcinogen Risk Assessment,'' fludioxonil was classified as a Group D carcinogen; therefore, there is no need for a quantitative cancer risk assessment.

Specific information on the studies received and the nature of the adverse effects caused by fludioxonil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''Fludioxonil. Section 3 Registration for Use on Carrots, Stone Fruit, Group 12–12, and Rapeseed, Subgroup 20A. Human Health Risk Assessment'' at page 28 in docket ID number EPA–HQ–OPP–2014–0496.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for fludioxonil used for human risk assessment is shown in Table 1 of this unit. Since the last assessment in 2012, (August 15, 2012) (77 FR 48907) (FRL–9357–5), the Agency has reevaluated the toxicological endpoints. Based upon current policy, it was determined that an acute dietary assessment was no longer necessary for fludioxonil. This decision was based upon the following weight of evidence: (1) After re-evaluation of the hazard database, it was determined that there were no effects that could be attributed to single dose and (2) the fetal effects in the developmental rat study occurred only at the limit dose (1,000 mg/kg/day). Additionally, though the same study is being used to assess chronic dietary risk, the NOAEL and LOAEL have been reclassified. Further, the remaining endpoints for short-term incidental oral toxicity and short-term inhalation toxicity have changed as well.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUDIOXONIL FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	There were no appropriate toxicological effects attributable to a single exposure (dose) observed in available oral toxicity studies, including maternal toxicity in the developmental toxicity studies. Therefore, a dose and endpoint were not identified for this risk assessment.		
Chronic dietary (All populations).	NOAEL= 33.1 mg/kg/day UF_A = 10x. UF_H = 10x ..... FQPA SF = 1x	Chronic RfD = 0.33 mg/kg/day. cPAD = 0.33 mg/kg/day	Chronic toxicity in dogs— LOAEL = 297.8 mg/kg/day based upon decreased absolute body weights, increased platelets and fibrin in both sexes, cholesterol in males, and increased alkaline phosphatase release in both sexes. Enlarged livers in two females were observed along with biliary epithelial cell proliferation in one female.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUDIOXONIL FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Incidental oral short-term (1 to 30 days).	NOAEL= 50 mg/kg/day UF_A = 10x. UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	Subchronic toxicity in dogs— LOAEL = 250 mg/kg/day based upon decreased absolute body weights in both sexes, diarrhea, hematological alterations (increased platelets and fibrin, decreased red cells, hemoglobin, and packed cell volume), clinical chemistry alterations (increased alpha-1 and alpha-2 globulin in females), increased liver weights in both sexes, increased testes and ovary weights, and an increased severity (but not incidence) of bile duct proliferation.
Inhalation short-term (1 to 30 days).	Oral study NOAEL= 50 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	Subchronic toxicity in dogs— LOAEL = 250 mg/kg/day based upon decreased absolute body weights in both sexes, diarrhea, hematological alterations (increased platelets and fibrin, decreased red cells, hemoglobin, and packed cell volume), clinical chemistry alterations (increased alpha-1 and alpha-2 globulin in females), increased liver weights in both sexes, increased testes and ovary weights, and an increased severity (but not incidence) of bile duct proliferation.
Cancer (Oral, dermal, inhalation).	Classified as a Group D carcinogen; no cancer assessment is necessary.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fludioxonil, EPA considered exposure under the petitioned-for tolerances as well as all existing fludioxonil tolerances in 40 CFR 180.516. EPA assessed dietary exposures from fludioxonil in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for fludioxonil; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, an unrefined chronic dietary exposure and risk assessment was performed assuming tolerance-level residues, 100 percent crop treated (PCT) estimates, and DEEM (ver. 7.81) default processing factors.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has classified fludioxonil as a group D carcinogen. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for fludioxonil. Tolerance-level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fludioxonil in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fludioxonil. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of fludioxonil for chronic exposures are estimated to be 38.5 parts per billion (ppb) for surface water and 0.2 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the chronic dietary risk assessment, the water concentration of value 38.5 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fludioxonil is currently registered for the following uses that could result in residential exposures: parks, golf courses, athletic fields, residential lawns, ornamentals, and greenhouses. To assess residential handler exposure, the Agency used the short-term inhalation exposure to adults from mixing/loading/applying a wettable powder in water-soluble packaging with hose end sprayer (both for turf and gardens). To assess post-application exposure, the Agency used short-term incidental oral exposures (hand-to-mouth) to children 1<2 years old from exposure to outdoor treated turf. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found fludioxonil to share a common mechanism of toxicity with any other substances, and fludioxonil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fludioxonil does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no quantitative or qualitative evidence of increased susceptibility following *in utero* exposure to rats and rabbits or following pre-/postnatal exposure. In a rat developmental toxicity study, fludioxonil caused an increase in fetal incidence and litter incidence of dilated renal pelvis at the limit dose (1,000 mg/kg/day). Maternal toxicity occurred at the same dose and manifested as body weight decrements. Fludioxonil was not developmentally toxic in rabbits. In the 2-generation reproduction study, parental and offspring effects occurred at the same dose and consisted of decreased body weights in parental and offspring animals, as well as increased clinical signs in parental animals.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fludioxonil is complete.

ii. The only potential indicator of neurotoxicity for fludioxonil was convulsions in mice following handling in the mouse carcinogenicity study at the mid- and high-doses. The concern is low however since there was no supportive neuropathology, the effect was not seen at similar doses in a second mouse carcinogenicity study, there were no other signs of potential neurotoxicity observed in the database, and selected endpoints are protective of the effect seen in mice. Therefore, there is no residual uncertainty concerning neurotoxicity and no need to retain the FQPA 10X safety factor.

iii. There is no evidence that fludioxonil results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fludioxonil in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by fludioxonil.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, fludioxonil is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fludioxonil from food and water will utilize 71% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fludioxonil is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Fludioxonil is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to fludioxonil.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 81,000 for adults and 4,800 for children 1–2 years old. Because EPA's level of concern for fludioxonil is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, fludioxonil is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for fludioxonil.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion contained in Unit III.A., fludioxonil is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that

no harm will result to the general population, or to infants and children from aggregate exposure to fludioxonil residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate high-performance liquid chromatography/ultraviolet (HPLC/UV) methods (Methods AG–597 and AG–597B) are available for enforcing tolerances for fludioxonil on plant commodities. An adequate liquid chromatography, tandem mass spectrometry (LC–MS/MS) method (Analytical Method GRM025.03A) is available for enforcing tolerances for residues of fludioxonil in or on livestock commodities.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for fludioxonil in or on multiple stone fruit commodities (peaches, apricots, etc.) at 5.0 ppm. These MRLs are the same as the tolerances established for fludioxonil in the United States.

The Codex has established an MRL for fludioxonil in or on carrot roots at 0.7 ppm. This MRL is different than the tolerance established for fludioxonil in the United States because it is based on a foliar use, whereas the U.S. use is based on a post-harvest use. Harmonization with the Codex MRL is likely to result in tolerance exceedances when fludioxonil is applied to carrots in accordance with the label.

The Codex has established an MRL for fludioxonil in or on rape seed at 0.02 ppm. This MRL is different than the 0.01 ppm tolerance established for fludioxonil on the rapeseed subgroup 20A in the U.S., which is aligned with the existing Canadian MRL on rapeseed. In their petition, Syngenta requested to remain aligned with Canada at 0.01 ppm for rapeseed in order to prevent NAFTA trade barriers.

C. Response to Comments

Several comments were received in response to the Notice of Filing regarding adverse impacts to bees but did not reference any specific active ingredient. The commenters by and large stated this action should be denied due to toxicity to bees and that all use of chemicals should be stopped. The comments primarily appear directed to the registration of the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). One comment referenced the establishment of a tolerance for an unnamed Syngenta pesticide, so to the extent that comment is directed at the present tolerance action, the Agency understands the commenters' concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. The comment appears to be directed at the underlying statute and not EPA's implementation of it; no contentions have been made that EPA has acted in violation of the statutory framework. As to bees the EPA considers impacts to the environment and non-target species under the authority of the (FIFRA).

V. Conclusion

Therefore, tolerances are established for residues of fludioxonil, (4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1 *H*-pyrrole-3-carbonitrile), in or on carrots at 7.0 ppm; fruit, stone, group 12–12 at 5.0 ppm; and the rapeseed subgroup 20A, except flax seed at 0.01 ppm. In addition, upon establishment of these tolerances, the existing tolerance for rapeseed, seed is removed as unnecessary since it is part of the rapeseed subgroup 20A.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require

Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 6, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.516:

■ a. Remove the entry in the table in paragraph (a) for ''Rapeseed, seed''.

■ b. Add alphabetically the entries for ''Carrots'' and ''Rapeseed subgroup 20A, except flax seed'' to the table in paragraph (a).

■ c. Revise the entry for ''Fruit, stone, group 12'' to read ''Fruit, stone, group 12–12'' in the table in paragraph (a).

The additions and revisions read as follows:

§ 180.516 Fludioxonil; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Carrots	7.0
* * * * *	
Fruit, stone, group 12–12	5.0
* * * * *	
Rapeseed subgroup 20A, except flax seed	0.01
* * * * *	

* * * * *

[FR Doc. 2015–20019 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0793; FRL–9930–20]

Acetic Acid; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the exemption from the requirement of a tolerance for residues of acetic acid (CAS Reg. No. 64–19–7) when used as an inert ingredient in antimicrobial pesticide formulations used on dairy and food-processing equipment and utensils, to allow for a limitation of 1200 ppm. Technology Sciences Group, Inc. on behalf of West Agro, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an amendment to the existing exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of acetic acid.

DATES: This regulation is effective August 14, 2015. Objections and requests for hearings must be received on or before October 13, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0793, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0793 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before October 13, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding

any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0793, 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 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.*

II. Petition for Exemption

In the **Federal Register** of March 4, 2015 (80 FR 11611) (FRL–9922–68), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition inert ingredient (IN–10766) by Technology Sciences Group, Inc. (1150 18th Street, Suite 1000 Washington, DC 20036), on behalf of West Agro, Inc. (11100 Congress Ave., Kansas City, MO 64153). The petition requested that 40 CFR 180.940(b) and (c) be amended by modifying an exemption from the requirement of a tolerance for residues of acetic acid (CAS Reg No. 64–19–7) when used as an inert ingredient to promote the active ingredient in antimicrobial pesticide formulations applied to dairy-processing equipment, food-processing equipment, and utensils to increase the use limitation from 686 parts per million (ppm) to 1,200 ppm. That document referenced a summary of the petition prepared by Technology Sciences Group, Inc. on behalf of West Agro, Inc., the petitioner, which is available in the docket, *http://www.regulations.gov.* No comments were received on the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for acetic acid including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with acetic acid follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by acetic acid as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Acetic acid is of low acute dermal and inhalation toxicity in rats. It causes dermal irritation in mice and is corrosive in rabbits. It was also irritating in the eyes of rabbits. Although, reduced body weight was observed at 390 milligrams/kilograms/day (mg/kg/day) in a 90-day oral toxicity study in the rat, the reduction in weight gain was likely attributed to reduced appetite and food consumption observed in the study. Therefore, this is not considered an adverse effect. Fetal susceptibility was not observed in developmental studies in rats, mice and rabbits. It is not genotoxic, mutagenic, carcinogenic or neurotoxic. Although, increased spleen weight and increased levels of iron stored in the spleen were observed in a toxicity study via inhalation in rats, these effects are not considered an immunotoxic response, but are due to the destruction of red blood cells; therefore, there is no concern for potential immunotoxicity.

Acetic acid undergoes dissociation to the acetate anion and the H+ cations in aqueous media at pHs commonly found in the environment. Also, it is a naturally-occurring substance in plants and animals. In aerobic metabolism, acetic acid (as acetate) is a metabolite that combines with Co-enzyme A to form acetyl Co-A which subsequently enters into the Citric Acid Cycle, a

common metabolic pathway in which food molecules are broken down to form energy. A major function of the Citric Acid Cycle is the oxidation of acetate. In animals, acetate is obtained from the breakdown of glucose molecules.

Specific information on the studies received and the nature of the adverse effects caused by acetic acid as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document ''Acetic Acid; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide Formulations'' in docket ID number EPA–HQ–OPP–2014–0793.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

Based on the widespread presence of acetic acid in human foods, and the fact that acetic acid is a normal metabolite in humans and animals and its status as a substance that is considered Generally Recognized as Safe (GRAS) by the Food and Drug Administration, toxicological endpoints of concern relevant to human exposures have not been identified for acetic acid. Thus, due to its low potential hazard and lack of hazard endpoint, the Agency has determined that a quantitative risk assessment using safety factors applied to a point of departure protective of an identified hazard endpoint is not appropriate. Instead, the Agency's assessment of the risk from acetic acid is qualitative.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses and drinking water.* In evaluating dietary exposure to acetic acid, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from acetic acid in food as follows:

Acetic acid is currently used as a biochemical pesticide post-harvest on grains, hays for animal feed, and as a herbicide. Under this exemption from the requirement of a tolerance, residues of this chemical also may be found on foods that come in contact with treated dairy and food-processing equipment and utensils. However, a quantitative dietary exposure assessment was not conducted since an endpoint for risk assessment was not identified.

2. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Acetic acid may be used in pesticide products and nonpesticide products that may be used around the home. Since an endpoint for risk assessment was not identified, a quantitative residential exposure assessment for acetic acid was not conducted.

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found acetic acid to share a common mechanism of toxicity with any other substances, and acetic acid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that acetic acid does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

As part of its qualitative assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of acetic acid and its chemical properties, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that aggregate exposure to residues of acetic acid will not pose a risk to the U.S. population, including infants and children, and that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to acetic acid residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance. EPA is establishing a limitation on the amount of acetic acid that may be used in pesticide formulations.

The limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any antimicrobial pesticide formulation used on dairy processing equipment or food-processing

equipment and utensils for sale or distribution containing acetic acid at ready for use end-use concentrations exceeding 1,200 parts per million.

VI. Conclusions

Therefore, the exemption from the requirement of a tolerance for acetic acid when used as an inert ingredient in antimicrobial pesticide formulations used on dairy-processing equipment, food-processing equipment, and utensils under 40 CFR 180.940(b) and (c) are amended by an increase in the use limitation from 686 ppm to 1,200 ppm.

VII. Statutory and Executive Order Reviews

This action amends exemptions from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 30, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.940(b) and (c), revise the entry for ''Acetic acid'' to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(b) * * *

Pesticide chemical	CAS Reg. No.	Limits
Acetic acid	64–19–7	When ready for use, the end-use concentration is not to exceed 1200 ppm.
* *	*	* * * * *

(c) * * *

Pesticide chemical	CAS Reg. No.	Limits
Acetic acid	64–19–7	When ready for use, the end-use concentration is not to exceed 1,200 ppm.
* *	*	* * * * *

[FR Doc. 2015–20001 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0804; FRL–9931–30]

Hexythiazox; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of hexythiazox in or on wheat, forage; wheat, hay; wheat, grain; and wheat, straw. Gowan Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 14, 2015. Objections and requests for hearings must be received on or before October 13, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0804, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0804 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before October 13, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0804, 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 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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 11, 2015 (80 FR 7559) (FRL–9921–94), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8315) by Gowan Company, P.O. Box 5569, Yuma, AZ 85366. The petition requested that 40 CFR 180.448 be amended by establishing tolerances for residues of the insecticide hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety, in or on wheat, forage at 6.0 parts per million (ppm); wheat, hay at 30 ppm; wheat, grain at 0.02; and wheat, straw at 8.0 ppm. That document referenced a summary of the petition prepared by Gowan Company, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on

aggregate exposure for hexythiazox including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with hexythiazox follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Hexythiazox has low acute toxicity by the oral, dermal and inhalation routes of exposure. It produces mild eye irritation, is not a dermal irritant, and is negative for dermal sensitization. Hexythiazox is associated with toxicity of the liver and adrenals following subchronic and chronic exposure to dogs, rats and mice, with the dog being the most sensitive species. The prenatal developmental studies in rabbits and rats and the 2-generation reproduction study in rats showed no indication of increased susceptibility to *in utero* or postnatal exposure to hexythiazox. Reproductive toxicity was not observed. There is no concern for immunotoxicity or neurotoxicity following exposure to hexythiazox. The toxicology database for hexythiazox does not show any evidence of treatment-related effects on the immune system. Hexythiazox is classified as ''likely to be carcinogenic to humans''; however, the evidence as a whole is not strong enough to warrant a quantitative estimation of human cancer risk. Since the effects seen in the study that serves as the basis for the chronic RfD occurred at doses substantially below the lowest dose that induced tumors, the chronic RfD is considered protective of all chronic effects including potential carcinogenicity.

Specific information on the studies received and the nature of the adverse effects caused by hexythiazox as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document: Hexythiazox. Human Health Risk Assessment to Support New Uses on Wheat and Pepper/Eggplant Subgroup 8–10B in docket ID number EPA–HQ–OPP–2014–0804.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for hexythiazox used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of departure and uncertainty/Safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations).	No risk is expected from this exposure scenario as no hazard was identified in any toxicity study for this duration of exposure.		
Chronic dietary (All populations).	NOAEL = 2.5 mg/kg/day ... UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Chronic RfD = 0.025 mg/kg/day. cPAD = 0.025	One-Year Toxicity Feeding Study—Dog. LOAEL = 12.5 mg/kg/day based on increased absolute and relative adrenal weights and associated adrenal histopathology.
Incidental oral short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 30 mg/kg/day .... UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	2-Generation Reproduction Study—Rat. LOAEL = 180 mg/kg/day based on decreased pup body weight during lactation and delayed hair growth and/or eye opening, and decreased parental body-weight gain and increased absolute and relative liver, kidney, and adrenal weights. Co-Critical 13-Week Oral Toxicity Study—Rat. NOAEL = 5.5 mg/kg/day. LOAEL = 38 mg/kg/day, based on increased absolute and relative liver weights in both sexes, increased relative ovarian and kidney weights, and fatty degeneration of the adrenal zona fasciculata. @397.5/257.6 mg/kg/day, decreased body-weight gain in females, slight swelling of hepatocytes in central zone (both sexes), increased incidence of glomerulonephrosis in males, increased adrenal weights.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR HEXYTHIAZOX FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/Scenario	Point of departure and uncertainty/Safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Cancer (oral, dermal, inhalation).	Classification: ''Likely to be Carcinogenic to Humans''. Insufficient evidence to warrant a quantitative estimation of human risk using a cancer slope factor based on the common liver tumors (benign and malignant) observed only in high dose female mice, and benign mammary gland tumors of no biological significance, observed only in high dose male rats in the absence of mutagenic concerns. The chronic RfD is protective of all chronic effects including potential carcinogenicity of hexythiazox.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to hexythiazox, EPA considered exposure under the petitioned-for tolerances as well as all existing hexythiazox tolerances in 40 CFR 180.448. EPA assessed dietary exposures from hexythiazox in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for hexythiazox; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA used tolerance level residues, assumed 100 percent crop treated (PCT), and incorporated Dietary Exposure Evaluation Model (DEEM) default processing factors when processing data were not available.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to hexythiazox. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for hexythiazox. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for hexythiazox in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of hexythiazox. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Surface Water Concentration Calculator (SWCC), the estimated drinking water concentrations (EDWCs) of hexythiazox for chronic exposures for non-cancer assessments are estimated to be 4.3 ppb for surface water. Since groundwater residues are not expected to exceed surface water residues, surface water residues were used in the dietary risk assessment. Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Hexythiazox is currently registered for the following uses that could result in residential exposures: ornamental plantings, turf, and fruit and nut trees in residential settings. EPA assessed residential exposure using the following assumptions: Residential handler exposures are expected to be short-term (1 to 30 days) via either the dermal or inhalation routes of exposures. Since a quantitative dermal risk assessment is not needed for hexythiazox, handler MOEs were calculated for the inhalation route of exposure only. Both adults and children may be exposed to hexythiazox residues from contact with treated lawns or treated residential plants. Post application exposures are expected to be short-term (1 to 30 days) and intermediate-term (1 to 6 months) in duration. Adult postapplication exposures were not assessed since no quantitative dermal risk assessment is needed for hexythiazox and inhalation exposures are typically negligible in outdoor settings. The exposure assessment for children included incidental oral exposure resulting from transfer of residues from the hands or objects to the mouth, and from incidental ingestion of soil. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/science/residential-exposure-sop.html.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found hexythiazox to share a common mechanism of toxicity with any other substances, and hexythiazox does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that hexythiazox does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common

mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicology data base indicates no increased susceptibility of rats or rabbits to in utero and/or postnatal exposure to hexythiazox.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for hexythiazox is complete.

ii. There is no indication that hexythiazox is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that hexythiazox results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to hexythiazox in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by hexythiazox.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, hexythiazox is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to hexythiazox from food and water will utilize 81% of the cPAD for children 1–2 years of age, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of hexythiazox is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Hexythiazox is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to hexythiazox.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1291 for children and 8626 for adults. Because EPA's level of concern for hexythiazox is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Hexythiazox is currently registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to hexythiazox.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs of 1474 for children and 8808 for adults. Because EPA's level of concern for hexythiazox is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* As discussed in Unit III.C.1.iii., EPA concluded that regulation based on the chronic reference dose will be protective for both chronic and carcinogenic risks. As noted in this unit there are no chronic risks of concern.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to hexythiazox residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high performance liquid chromatography method with UV detection (HPLC/UV)) is available to enforce the tolerance expression. This method is listed in the U.S. EPA Index of Residue Analytical Methods under hexythiazox as method AMR–985–87.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for hexythiazox in/on wheat, therefore, there are no harmonization issues associated with this action.

V. Conclusion

Therefore, tolerances are established for residues of hexythiazox and its

metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety, as petitioned.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 6, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.448, add alphabetically the following commodities to the table in paragraph (c) to read as follows:

§ 180.448 Hexythiazox; tolerances for residues.

* * * * *

(c) * * *

Commodity	Parts per million
* * * * *	
Wheat, forage (EPA Region 11 only)	6.0
Wheat, hay (EPA Region 11 only)	30
Wheat, grain (EPA Region 11 only)	0.02
Wheat, straw (EPA Region 11 only)	8.0

* * * * *

[FR Doc. 2015–20012 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1990–0010; FRL–9932–37-Region 4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Redwing Carriers, Inc. (Saraland)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 is publishing this direct final Notice of Deletion for the Redwing Carriers, Inc. (Saraland) Superfund Site (Site), located in Saraland, Mobile County, Alabama, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by the EPA with the concurrence of the State of Alabama, through the Alabama Department of Environmental Management (ADEM), because the EPA has determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective September 28, 2015 unless the EPA receives adverse comments by September 14, 2015. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No., EPA–HQ–SFUND–1990–0010, by one of the following methods:

- *www.regulations.gov* Follow the on-line instructions for submitting comments.
- *Email: johnston.shelby@epa.gov*
- *Fax:* (404) 562–8896, Attention: Shelby Johnston.
- *Mail:* Shelby Johnston, Remedial Project Manager, Superfund Restoration and Sustainability Branch, Superfund Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
- *Hand Delivery:* U.S. Environmental Protection Agency, Region 4, 61 Forsyth

Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Docket's normal hours of operation and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1990–0010. 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 *http://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 information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://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 *http://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 *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: U.S. EPA Record Center, attn: Ms. Tina Terrell, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960, Phone: (404) 562–8835, Hours 8 a.m.–4 p.m., Monday through Friday by appointment only; or, Saraland Public Library, 111 Saraland Loop, Saraland, AL 36571, Phone: 251–675–2879, Hours 10 a.m.–6 p.m., Monday, Wednesday, Friday, Saturday and 12 p.m.–8 p.m., Tuesday and Thursday.

FOR FURTHER INFORMATION CONTACT: Shelby Johnston, Remedial Project Manager, Superfund Restoration and Sustainability Branch, Superfund Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960, 404–562–8287, email: *johnston.shelby@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

The EPA Region 4 is publishing this direct final Notice of Deletion of the Redwing Carriers, Inc. (Saraland) Superfund Site from the NPL. The NPL constitutes Appendix B of 40 CFR part 300 which is the NCP, which the EPA promulgated pursuant to section 105 of the CERCLA of 1980, as amended. The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in the Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Section II of this document explains the criteria to delete sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Site and demonstrates how it meets the deletion criteria. Section V discusses the EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), the EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment, and, therefore, the taking of remedial measures is not appropriate.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with the State of Alabama prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) The EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the state, through ADEM, has concurred on the deletion of the site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, The Mobile Press Register. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, the EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist the EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides the EPA's rationale for deleting the Site from the NPL:

Site Background and History

Redwing Carriers, Inc. (Saraland) Superfund Site, (EPA ID: ALD980844385) is located at 527 U.S. Highway 43, Saraland, Mobile County, Alabama. The Site is 5.1 acres and bounded to the east by U.S. Highway 43 and a skating rink. To the north it is bounded by a United Gas Pipe Line easement and a mobile home community, to the south by a residential development, and to the west by an undeveloped lot. The Site was the former location of the Saraland Apartment Complex (Apartments) that has since been demolished to allow for the complete remediation of the Site. From 1961 to 1971, Redwing Carriers, Inc. (Redwing), a trucking company, owned and operated the Site as a terminal for cleaning, repairing and parking its fleet of trucks. The company transported a variety of substances, including asphalt, diesel fuel, chemicals and pesticides from local plants. Redwing discharged untreated hazardous substances to the ground during the cleaning of tanker trucks, creating a tar-like sludge and contaminating Site soils. The tar-like sludge was composed predominately of polycyclic aromatic hydrocarbon compounds together with lesser amounts of pesticides, herbicides and volatile organic compounds. These operations resulted in contamination of soils, groundwater and sediment.

In 1973, Saraland Apartments Ltd. purchased the Site and built a U.S. Housing and Urban Development (HUD) subsidized apartment complex on the Site. During construction, the sludge and contaminated soils were covered with up to 5 feet of clean soil. When completed, the complex consisted of 60 apartment units located in 12 buildings, and at one time housed approximately 160 residents, including 80 to 90 preschool-age or elementary school-age children.

In 1984, ADEM investigated apartment residents' complaints about the tar-like sludge seeping to the surface at numerous locations at the Site. In 1985, under Superfund removal authority, the EPA conducted initial studies in which high concentrations of 1, 2, 4-trichlorobenzene and naphthalene were detected in the soil and in leachate coming from the sludge. On July 8, 1985, the EPA and Redwing entered into a removal Administrative Order on Consent (AOC) that required Redwing to, among other things, conduct a limited sludge and contaminated soil removal action. Redwing was required to periodically inspect the Site and remove any visible sludge on the surface. The Site was proposed for the NPL on June 24, 1988 (53 FR 23988) and finalized on the NPL February 21, 1990 (55 FR 6154) due to the potential for consumption of contaminated groundwater.

Remedial Investigation, Feasibility Study (RI/FS)

On July 2, 1990, the EPA and Redwing entered into an AOC wherein Redwing agreed to conduct the Site RI/FS. Redwing, under the EPA's oversight, began field activities for the first phase of the remedial investigation in January 1991. The RI/FS was completed in July of 1992. During the investigation, 39 soil borings were collected with a total of 123 separate soil samples being analyzed. The substances found most frequently at concentrations above risk-based cleanup levels fall into three major categories: pesticides and herbicides; volatile organic compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs). These substances were found in soils, ditch sediments, and groundwater across the Site. The highest levels of contamination were detected in the southern and eastern portions (the location of the former containment levee used by Redwing) and across areas of former terminal operations. Inorganic substances, which may occur in nature at significant levels, were also detected in soils, sludge, and groundwater. During this investigation, the EPA determined that the contaminants at the Site presented an unacceptable risk to human health by future groundwater consumption.

Selected Remedy

The EPA's Record of Decision (ROD) was signed on December 15, 1992, and the State of Alabama concurred with the selected remedy. The selected alternative included the following:

- Excavation of sludge, sediments, and contaminated soils.
- Off-site treatment/disposal of contaminated soils, sediments, and sludge at an approved disposal facility as determined appropriate by Resource Conservation and Recovery Act (RCRA) criteria and the waste sampling results from Toxicity Characterization Leaching Procedure (TCLP) testing.
- Regrading and backfill of excavations using clean, compacted-fill material.
- Temporary and possibly permanent relocation of residents with the potential demolition of selected apartment units.
- On-site treatment of contaminated groundwater in the surficial aquifer. Monitoring and possible withdrawal and treatment of groundwater in the alluvial aquifer. Treatment of groundwater for discharge to a Publicly Owned Treatment Works, or if unavailable, to a nearby surface water body.

While the ROD did not explicitly state Remedial Action Objectives (RAOs), the selected remedy was intended to address unacceptable risk presented by the Site, described in the risk assessment. The risk assessment summary for the Site indicated several areas of risk for mitigation as indicated below.

- Health risk posed at the Site is primarily from the future use of groundwater in both surficial and alluvial aquifers as a potable source.
- Surface soils and sediments are subject to contamination from continual leaching of contaminants from the sludge as it percolates to the surface.

The 1992 ROD was subsequently amended on June 14, 2000 with an Amended ROD (AROD). The RAOs for the Site remained unaltered but the major components of the amended remedy were as follows:

- Development of a phased approach to implement the amended remedy during the Remedial Design (RD).
- Demolition, removal, and off-site disposal to an approved facility of all buildings, foundations, concrete walkways, asphalt driveways and parking areas.
- Excavation, off-site treatment and disposal of the remaining source material (sludge, sediments and contaminated soils) at an approved disposal facility as determined appropriate by RCRA criteria and the waste sampling results from TCLP testing to aid in restoring and protecting groundwater quality.
- Reconstitution of the groundwater monitoring program at the Site after the backfilling and regrading of excavated areas had been completed.
- Postponement of the 1992 ROD requirement for on-site extraction and treatment of contaminated groundwater and compliance monitoring. Implementation was to be contingent upon the results of the baseline groundwater sampling and evaluation of the quarterly groundwater monitoring data. The groundwater response action would be revaluated to consider new groundwater monitoring data collected after the source removal action completion and determine whether or not the groundwater restoration could

be achieved using Monitored Natural Attenuation (MNA).

Explanation of Significant Difference (ESD)

On September 25, 2007, the EPA issued an ESD for the Redwing Site. In the ESD, the EPA revised the 1992 ROD subsurface soil cleanup levels for Acetone, Aldrin, Alpha-BHC, and Dieldrin. The remedy at the Site is protective of human health and the environment because the surface soil, subsurface soil, sediment and groundwater at the Site met performance standards established in the ROD, AROD, and the ESD.

Response Actions

Redwing continued periodic removal of surface seeps until 1994, when they discontinued work at the Site. On July 5, 1995, the EPA issued a Unilateral Administrative Order (UAO) to Redwing and Saraland Apartments, Ltd. directing them to conduct a removal of tar seeps at the Site. When both parties declined to comply with the order, the EPA undertook the removal action. The removal action consisted of the removal and off-site disposal of 288 55-gallon drums of investigation derived waste, approximately 5 cubic yards of stockpiled soil and approximately 10 gallons of ''tar like material'' (TLM) from 13 tar seeps.

During the spring of 1996, the tar seeps returned, and on July 12, 1996, the EPA issued a UAO to Redwing and Saraland Apartments, Ltd. directing them to remove the source of the tar seeps. When both parties refused to comply with the order, the EPA conducted a removal action, which consisted of temporarily relocating 57 families living in the complex and excavating and transporting off-site for disposal approximately 20,724 tons of sludge, contaminated soil, and debris. These contaminated materials were transported as nonhazardous waste, after passing TCLP sampling analysis, to the Browning-Ferris Industries' Falcon Incinerator in Brewton, Alabama. Trucks were lined prior to filling to prevent further contamination and utilized fabric covers during transport to prevent soils from leaving the vehicle during transport. Once received at the disposal site, the materials were emptied into a covered shed to await thermal treatment in the primary incinerator with a minimum temperature of 700 °F. After the removal was completed, air monitoring conducted in the Apartments detected unacceptable levels of benzene and the pesticide, Aldrin, in some of the Apartments. Based on this monitoring, the EPA determined that the residents could not return to live in the Apartments. Working together, the EPA and HUD relocated the residents to comparable permanent housing.

In July 1997, the EPA collected soil, sediment and water samples from 23 properties adjacent to the Redwing Site. The purpose of this sampling was to address community concerns about possible releases from the Site. Based on a risk evaluation of the analytical results of these samples, the EPA determined that there is no unacceptable health risk or hazard in the neighborhood adjacent to the Site.

Remedy Implementation

The Redwing PRP conducted the remedial action pursuant to the February 26, 2002 RD/Remedial Action (RA) Consent Decree. Site demolition activities started in March 2004 and were completed in June 2004. During the demolition, 5,700 cubic yards of demolition debris was transported off-site for disposal and 3,915 cubic yards of asphalt and concrete were transported off-site for recycling. All debris was visually inspected and any debris found with visually questionable materials were sampled prior to transport to ensure that none of the debris failed RCRA criteria and waste sampling results from TCLP testing. None of the construction debris failed RCRA criteria and waste sampling results from TCLP, and as a result, all debris was transported to Jarrett Rd. Landfill in Pritchard, Alabama, a RCRA permitted construction debris facility, as required by the ROD.

The EPA approved the Final RD Report on June 28, 2007. The Site RA started in mid-December 2007 and was completed in June 2008. The excavation of TLM-contaminated soil was executed by the removal of blocks of soil to predetermined depths based on analytical results from the pre-design investigation. Additional TLM-contaminated soil was removed laterally based on visual inspection and presence on excavated sidewalls. Additional soil was excavated from the bottom of pre-determined excavation block depths based on confirmation analysis. Specifically, five-point composite samples were collected at the bottom of each excavation block and analyzed for the contaminants of concern (COC) established in the ROD. If the concentration of any constituent resulted in an exceedance of the 90% Upper Confidence Limit (UCL) average concentration for the Site, then additional soil was excavated and the deeper block bottom was again sampled.

The large majority of the soils excavated from the site contained TLM and were thus removed from the Site based on that criterion. The removal of the TLM-contaminated soils resulted in the need to only remove a small amount of additional soils to meet the 90% UCL average concentration requirement for soil constituent impacts. It should be noted that carbon tetrachloride, while retained as a COC for remediation, was only found in a single surface soil sample location, which was removed during the first removal action. The COC was retained due to the risk posed for ingestion and dermal contact. The subsurface excavation pits were not sampled for carbon tetrachloride since the risk posed was related to the surface soils which had already been removed.

During the RA, a total of 25,114 cubic yards of soil was excavated. Of this amount, approximately 21,375 cubic yards were sampled to assess for TCLP and subsequently transported off-site for disposal at Macland Disposal Center in Moss Point, Mississippi, a RCRA permitted non-hazardous waste facility, as no materials failed TCLP. The remaining soil that lacked visual signs for TLM and passed confirmation sampling, was mixed together with clean fill brought in from off-site and was used to backfill and regrade excavated areas of the Site. After regrading and seeding activities were completed, six monitoring wells were installed on-site and groundwater samples were collected in September 2008 and December 2008. The sampling detected Vernolate in one monitoring well (MW–16) at a concentration above the ROD groundwater cleanup level. The monitoring wells were resampled in March 2009, and Vernolate was again detected in MW–16 while none of the other groundwater monitoring wells were found to contain any ROD COC above their respective cleanup goals. In response to the 2008–2009 groundwater sampling, three monitoring wells were installed on adjacent property in early April 2009 to determine if contaminated groundwater had migrated off-site. No contamination was detected in these wells during the sampling event.

The June 14, 2000 AROD delayed the implementation of the 1992 ROD requirement for groundwater extraction and treatment to allow for evaluation of the groundwater monitoring data that would be collected after the source removal action completion. During this evaluation, degradation rates for each of the groundwater contaminants of concern were determined along with a prediction of future decreases in contaminant. After this evaluation, it was determined that further

groundwater remediation would not be required since it was anticipated that the groundwater cleanup levels would be achieved within a short time frame as a result of natural attenuation after the removal of the source material. The EPA approved the Final RA Report dated July 2014 in September 2014.

Cleanup Goals

Long-term, post-remediation groundwater monitoring was initiated after the completion of the RA in 2008 and was ongoing until late 2012. This monitoring program began with the installation of six new monitoring wells (MW–14, MW–15, MW–16, MW–17, MW–18 and MW- 19) on-site and included two monitoring wells that existed prior to the remediation (MW–12U and MW–13U). These eight wells were sampled in September 2008, December 2008 and March 2009 for the following constituents: Sulfate, Chloride, Beryllium (total and dissolved), Total Chromium (total and dissolved), Nickel (total and dissolved), Vanadium (total and dissolved), Total Organic Carbon, Methylene Chloride, Acetone, Carbon Disulfide, Chloroform, Bis(2-ethylhexyl)phthalate, Vernolate, Lindane, Alpha-BHC, 4,4-DDT, Dieldrin and Aldrin. Only a few minor exceedances of the ROD cleanup goals were observed with the exception of Vernolate in MW–16.

During the March 2009 sampling event, it was determined by the EPA that the groundwater cleanup goals had been met for all COCs with the exception of Vernolate. Due to the persistent exceedances of Vernolate in MW–16, three additional monitoring wells were installed off-site (MWOS–01, MWOS–02 and MWOS–03). Some members of the community were concerned with the proximity of MW–16 to the property line. All monitoring wells except MW–16 and the three off-site monitoring wells were abandoned in 2010. Monitoring continued on these three off-site wells and on-site MW–16 for Vernolate until the groundwater cleanup level was achieved in MW–16. No Vernolate was ever detected in the off-site monitoring wells.

From September 2009 to August 2012, groundwater samples were collected quarterly from MW–16 and the three off-site monitoring wells. After reviewing the results of the Vernolate groundwater sampling, ADEM and the EPA determined that the cleanup goals specified in the 1992 ROD, 2000 AROD and 2007 ESD had been met and abandonment of the remaining monitoring wells for the Site was approved.

Five-Year Reviews

The first five-year review (FYR) was completed on September 25, 2014. This review concluded that the selected remedy remains protective of human health and the environment pursuant to CERCLA section 121(c), 42 U.S.C. 9601 *et seq.* Per the EPA's 2001 FYR guidance, ''Five-year reviews may no longer be needed when no hazardous substances, pollutants or contaminants remain on-site above levels that allow for unlimited use or unrestricted exposure'' (UU/UE). Since the Site is UU/UE and has met the requirements established by the ROD, it is not necessary to conduct another FYR. The EPA has a policy that at least one FYR must be conducted after initiation of remedial action at the Site to ensure that the remedy is protective of human health and the environment. This policy FYR was conducted in 2014, and it concluded that the selected remedy at the Site is protective of human health and the environment because the surface soil, subsurface soil, sediment and groundwater at the Site met performance standards established in the 1992 ROD, subsequent 2000 AROD and subsequent 2007 ESD. The policy requirement for the five-year review has been met, and accordingly, the Site FYR requirement has been discontinued.

Community Involvement

Throughout the removal and remedial process, the EPA has kept the public informed of the activities being conducted at the Site by way of public meetings, progress fact sheets, and the announcement through local newspaper advertisement on the availability of documents such as the RI/FS, Risk Assessment, ROD, Proposed Plan, AROD, ESD and FYRs.

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. Documents in the deletion docket, which the EPA relied on for recommendation of the deletion from the NPL, are available to the public in the information repositories identified above.

Determination That the Site Meets the Criteria for Deletion From the NCP

This Site meets all the site completion requirements as specified in Office of Solid Waste and Emergency Response (OSWER) Directive 9320.22, *Close-Out Procedures for National Priorities List Sites.* Specifically, confirmatory soil and groundwater sampling verifies that the Site has achieved the ROD cleanup standards, and that all cleanup actions specified in the ROD, AROD and ESD have been implemented.

V. Deletion Action

The EPA, with concurrence of the State of Alabama through ADEM, has determined that all appropriate response actions under CERCLA have been completed. Therefore, the EPA is deleting the Site from the NPL.

Because the EPA considers this action to be noncontroversial and routine, the EPA is taking it without prior publication. This action will be effective *September 28, 2015* unless the EPA receives adverse comments by *September 14, 2015.* If adverse comments are received within the 30-day public comment period, the EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. The EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 3, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

APPENDIX B TO PART 300 [AMENDED]

■ 2. Table 1 of Appendix B to part 300 is amended by removing ''Al'', ''Redwing Carriers, Inc. (Saraland)'', ''Saraland''.

[FR Doc. 2015–20017 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Chapter XVI

Revised Rulemaking Protocol

AGENCY: Legal Services Corporation.

ACTION: Announcement—adoption of revised rulemaking protocol.

SUMMARY: This document sets forth the text of the revised rulemaking protocol adopted by the LSC Board of Directors.

DATES: This policy statement and protocol became effective on July 18, 2015.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION: In order to carry out its mission, the Legal Services Corporation (''LSC'' or ''Corporation'') is authorized under the LSC Act to issue binding federal regulations with the force of law. The United States Court of Appeals for the District of Columbia Circuit has described LSC as possessing ''general rulemaking authority.'' *Texas Rural Legal Aid, Inc., et al.* v. *Legal Services Corporation,* 940 F.2d 685, 692 (D.C. Cir. 1991); *see* 42 U.S.C. 2996e. The LSC Act specifies, however, that the Corporation ''shall not be considered a department, agency, or instrumentality, of the Federal Government.'' 42 U.S.C. 2996d(e). Consequently, the Corporation's regulatory process is not statutorily tied to the Administrative Procedure Act (APA, 5 U.S.C. Ch. 5 *et seq.*), which binds federal agencies. Instead, Congress has required more specifically that LSC ''shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the **Federal Register** at least 30 days prior to their effective date all its rules, regulations, guidelines, and instructions.'' 42 U.S.C. 2996g(e). The scope of LSC's Rulemaking Protocol encompasses ''rules'' and ''regulations,'' which are interpreted as essentially synonymous and which result in codified federal regulations.

Although the APA does not bind LSC, the Corporation has identified the broad purposes of that statute—public participation and reasoned, orderly, decision-making based on high-quality information—as consistent with its own statutory requirements and the general goals of regulation. LSC is also guided by other best practices broadly adopted by federal agencies, which include Executive Orders 12866 (1993) and 13563 (2011) and Office of Management and Budget Circular A–4 (2003).

Collectively, these documents suggest that regulation should proceed by demonstrating why action is needed and should be justified by a consideration of the costs and benefits of the regulatory approach chosen. Costs and benefits may be qualitative or quantitative and include outcomes related to the widespread distribution of ''equity, human dignity, [and] fairness,'' [1] which is in accord with the goals of the LSC Act. In addition, these federal best practices remind us to maintain regulatory flexibility where possible by specifying objectives rather than detailed rules, and also to engage in a regular examination of existing regulations to identify those that are redundant, unnecessary, or in need of modification.

LSC intends that an important source of new rulemaking activity and agenda items will be an ongoing retrospective review of its existing regulations. LSC's regulations are not voluminous, and to the extent they can be improved, they should be, as time and resources allow. In particular, LSC will examine its regulations to identify those where costs and burdens can be lessened without compromising effectiveness, or where effectiveness can be increased without increasing cost. It also will identify, with the input of the Office of Inspector General, regulations that are outdated or otherwise no longer useful or manageable, and those rules implicated by LSC's Strategic Plan. In order to maintain this process of continuous improvement, however, LSC anticipates the need for assistance from the regulated community, which is in the best position to highlight unanticipated problems that have arisen from particular regulatory provisions.

Similarly, existing nonregulatory guidance, including Program Letters and External Opinions, may often be a basis for agenda items. For a variety of reasons, it may be useful to codify successful guidance following a notice and comment process. In other cases, LSC may identify this guidance as founded in outdated regulation and as problematic in practice; revision of the underlying regulations would then be called for. Because of these important relationships between guidance and regulation, LSC's commitment to retrospective review extends to its guidance documents, as does its reliance on the communicated experience of the public and regulated community.

[1] *See* E.O. 13563, sec. 1(c).

Rulemaking Protocol of the Legal Services Corporation (2015)

I. Purposes, Principles, and Authorities

The purpose of this protocol is to explain the procedures used by LSC in the development, modification, rescission, and promulgation of its regulations, currently codified beginning at 45 CFR part 1600. The regulatory principles guiding LSC are intended to advance its overall mission as an organization: To provide financial support for legal assistance in civil matters to persons financially unable to afford legal assistance in a manner consistent with the LSC Act and other statutory directives of Congress. *See* 42 U.S.C. 2996b(a). LSC, in particular, is asked ''to insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons'' eligible for LSC-funded services. 42 U.S.C. 2996f(a)(3).

LSC first developed a formal rulemaking protocol in 2000. The rulemaking protocol was revised in 2002. The Board of Directors of LSC (''Board'') at that time believed that while there was no legal requirement for rulemaking procedures to be formalized in a written protocol, it was appropriate for LSC to produce such a document. As an independent entity not bound by the Administrative Procedure Act, LSC does not follow precisely the standardized regulatory processes of federal agencies, and in the interests of conducting its business in an open and fair way, LSC should make its rulemaking procedure generally known. The Board issuing this Protocol has determined these views to be sensible and has also determined that further revisions would be useful. This 2015 revision reflects more than a decade's worth of experience in rulemaking under the prior protocol and in addition incorporates certain trends in regulations, such as the emphasis on outcomes and on cost-benefit analysis.

It should be noted that because this Protocol is a statement of LSC internal procedure and is not itself a ''rule, regulation, guideline or instruction,'' LSC is not required by law to publish this Protocol or seek public comment. LSC is choosing to publish this Protocol in the **Federal Register** (and has also posted it on the LSC Web site at *http://www.lsc.gov*) in furtherance of LSC's general policy of transparency.[2] The

[2] Although this Protocol reflects LSC policy, it is not intended to and shall not create or confer any rights for or on behalf of any person or party and shall not establish legally enforceable rights against LSC or establish any legally enforceable obligations on the part of LSC, its directors, officers, employees and other agents.

Protocol begins with an overview of the rulemaking process as usually conducted and then proceeds to a more detailed discussion of the steps involved and certain variations that may occur.

II. Summary of the Usual Rulemaking Process

The Operations and Regulations Committee (''Committee'') is responsible for identifying rulemaking priorities for the Corporation in consultation with LSC management (''Management'') and LSC's Office of Inspector General (''OIG''), and for laying the groundwork for the Board's initial consideration of a regulatory change. The usual vehicle for the Committee's work will be a Rulemaking Agenda (''Agenda''), revised at least annually. Through the Agenda, Management will propose a prioritized list of regulatory actions that the Committee will consider for action and presentation to the Board. The Agenda will serve as a work plan for the Committee and LSC staff.

As items from the Rulemaking Agenda come up for Committee consideration, LSC staff will produce a written statement describing the need for regulatory action. This document, termed a Justification Memorandum (''Memorandum''), is intended to be flexible in character, and will be of a length and scope appropriate to the issue. The Memorandum will contain a recommendation from Management regarding whether or not to authorize rulemaking.

Final authority over LSC rulemaking policies and actions rests with the Board. Under the LSC Act, the Board has the legal authority to initiate, terminate, or otherwise direct a rulemaking at any duly authorized meeting. Under normal circumstances, the Board will take three votes on a rulemaking:

(Vote 1) To authorize rulemaking

(Vote 2) To publish a Notice of Proposed Rulemaking (''NPRM'') for notice and comment

(Vote 3) To publish a Final Rule

Prior to each of these votes, the Committee normally will engage in public deliberation on the rulemaking, and the meeting or meetings at which such deliberations occur will include an opportunity for public comment. Upon concluding its deliberations, the Committee will vote on and issue a recommendation to the Board.

III. Rulemaking Protocol in Detail

Step 1—Issue Identification and Inclusion on the Agenda

The initial impetus for a rulemaking may come from a variety of sources, including:

- New studies or other evidence;
- Initiatives arising from the Corporation's Strategic Plan;
- Retrospective review of the Corporation's regulations;
- Congressional directives;
- Board or Committee decisions;
- Requests from Management, the OIG, or individual members of the Board or Committee; or
- Petitions or recommendations from the regulated community and general public.

Management is responsible for compiling and conveying these possibilities, together with its views, for Committee consideration. At minimum, this will occur annually during revision of the Rulemaking Agenda.[3] It may, however, occur at any time as circumstances dictate or if a potential rulemaking is time-sensitive. From the possibilities presented by Management, the Committee will determine which items to include or exclude from further consideration for the coming year and will also indicate general priorities among the items included.

The annual preparation of the Agenda (and any significant revisions) will be reported to the Board at its Spring quarterly meeting. The Committee normally will develop the Agenda without Board action, but rather in consultation with Management and the OIG. The Board may specifically act to place (or remove) items on the Agenda. During the course of the year, the Committee may authorize LSC to undertake rulemakings that were not placed on the Rulemaking Agenda.

Step 2—The Need for Regulation and the Justification Memorandum

Generally, Management will work on items on the Rulemaking Agenda in the order of priority established by the Committee. Management will present each item to the Committee at a public meeting. Prior to that meeting, Management will prepare a Justification Memorandum discussing the potential rulemaking for the Committee and the Board. This Memorandum will discuss the need for the regulatory action and Management's views on whether action is necessary or desirable. The Memorandum represents Management's considered view on the initiation of rulemaking and is developed in consultation with the OIG. OIG's views may be incorporated in the Memorandum submitted by Management, or OIG may submit them to the Committee independently.

Beyond these elements, the format of the Memorandum will be determined by the characteristics of each particular proposed rulemaking. Often, the focus at this early stage of the rulemaking will be simply on whether some change is warranted, rather than an assessment of any specific changes or routes by which they could be achieved. The Memorandum may discuss and evaluate:

- The effects of acting or not acting on a particular rulemaking proposal;
- The costs and benefits of engaging in rulemaking, compared to the status quo;
- Whether LSC needs additional information from the public before it can proceed with drafting an NPRM; and
- The suitability of particular processes, such as fact-gathering through a rulemaking workshop with stakeholders.

In other circumstances, where rulemaking is needed to conform the rule to statutory or regulatory changes, none of these analyses may be necessary.

Management may provide the Committee and the Board with privileged advice related to a proposed rulemaking. That advice may be provided in writing, as well as in a closed session of the Committee or Board's meeting, as permitted by the Government in the Sunshine Act.

The Committee will consider the Memorandum at a public meeting, and a copy of the Memorandum (but not any privileged material) will be publicly available, either physically or online, at the time of the meeting. The Committee will then provide an independent recommendation to the Board on the advisability of initiating rulemaking. Instead of issuing a recommendation, the Committee may also choose to request further work by Management on particular issues and development of a revised Memorandum, which the Committee will consider at future public meeting.

If the Committee makes a recommendation to the Board, it is asking the Board to take the first of its votes on a particular rulemaking. The Board also has the option of requesting

[3] This parallels the practice followed by many federal agencies of publishing their regulatory plans semi-annually in the Unified Agenda of Regulatory and Deregulatory Actions (*www.reginfo.gov*). LSC is not required to include its regulatory plans in this document, and its creation of a Rulemaking Agenda should not be interpreted as indicating intent at this time to participate in the Unified Agenda or to follow its requirements.

further work and a revised Memorandum before acting on the Committee's recommendation. If the Board votes to not initiate rulemaking without further instruction, it is effectively removing the rulemaking from the Rulemaking Agenda. If the Board votes to initiate rulemaking, it may attach to its vote further instructions regarding the scope of the rulemaking, particular changes desired, or processes to be used in developing the rule.

In certain circumstances, including time-sensitive matters that are relatively straightforward and anticipated to be uncontroversial, an accelerated process may be employed that combines Step 2 and Step 3 (discussed below). This would involve Management's preparation, with the concurrence of the Committee, of a Memorandum and a draft of an NPRM. If the Committee votes to recommend rulemaking, it could then proceed at the same meeting to consider a recommendation regarding the draft NPRM, and then present both recommendations in a combined motion to the Board. The Board could then choose to authorize both the opening of rulemaking and the publication of the NPRM for comment. In these circumstances, the Memorandum should contain a separate justification for the use of this accelerated process.

Step 3—The Development of the Proposed Rule

Once the Board votes to open rulemaking, Management and the Committee will work together to oversee the process of developing the rule. For relatively straightforward rules, this may involve simply converting the Memorandum into the preamble of a draft NPRM, accompanied by proposed regulatory changes.

More complex rulemakings, especially those with different alternatives for regulating a particular issue, may call for public engagement at an early stage. The Committee, after consulting with Management, may vote at a public meeting to authorize preliminary information-gathering actions. Should the Committee use these methods, it will regularly report its actions and the results of its efforts to the Board.

In particular, rulemaking may be enhanced in some cases by the issuance of an Advanced Notice of Proposed Rulemaking (''ANPRM'') or a Request for Information (''RFI'') that solicits comments on certain issues or requests certain factual information at an early stage of the rulemaking process. An ANPRM or RFI may also be useful in collecting public views on the scope of the proposed rulemaking and on what issues to include or exclude from the proposed rule. In addition, if the costs and benefits associated with the rulemaking are unclear, LSC may use an ANPRM or an RFI to request that public input and data be provided to help understand the costs and benefits more clearly and accurately.

Alternatively, LSC may choose to seek public input through Rulemaking Workshops. Rulemaking Workshops consist of one or more publicly noticed meetings of the Committee with the participation of Management, invited stakeholder representatives, and other interested and well-informed parties. Workshops are open discussions designed to elicit information about problems or concerns with the regulation (or certain aspects thereof) and provide an opportunity for sharing ideas regarding how to address those issues. Using whatever electronic and online methods are feasible, the Workshop should be open to observation by, and input from, the general public, including those not physically present with the Committee. The Workshop is not generally intended to develop detailed alternatives or to obtain consensus on regulatory proposals, and the primary anticipated role of Committee members would be to engage other participants with relevant questions rather than issue immediate decisions.

A Negotiated Rulemaking [4] is another alternative to develop an NPRM for a particular item. If the Committee determines this is the best approach, it will work with Management to designate a group of external representatives that will then meet with Management over an extended period, under supervision of a professional facilitator, in order to develop consensus regarding particular regulatory alternatives and the form of a draft NPRM.

The above mechanisms do not exhaust the ways LSC may develop its proposed rules. Where appropriate, LSC may publish general or specific requests for comment or surveys or use social media to seek public input on a proposed rule.

After gathering the necessary input, and as directed by the Committee, LSC staff will be responsible for drafting the NPRM in consultation with the OIG. LSC staff will submit the draft for review and approval or revision by the President of LSC. Once approved, Management will submit the draft NPRM to the Committee for consideration at a public meeting.

Management will provide the draft NPRM to the Committee sufficiently in advance of the meeting to allow adequate time for consideration. The draft also will be made available both electronically in advance of the meeting and in physical form at the meeting. LSC will publish in the **Federal Register** a notice of the meeting announcing the placement of the draft NPRM on the Committee agenda and the availability of the draft NPRM on LSC's Web site. At the Committee meeting, Management will present the draft NPRM, and the Committee will provide a designated opportunity for public comment prior to a vote of the Committee to recommend publication. The Committee will then deliberate and decide whether to recommend that the Board publish the NPRM, recommend that the Board terminate the rulemaking, or make no recommendation to the Board, but instead return the draft to Management for further development.

If the Board authorizes by its vote publication of the NPRM, Management will make any necessary technical revisions to the document and submit it to the **Federal Register** for publication. The comment period will be at least 30 days, but may be longer at the discretion of the Committee and Management, or at the direction of the Board.

Step 4—Public Comment and the Development of the Final Rule

LSC will accept comments submitted in either physical or electronic form by the closing date stated in the NPRM published in the **Federal Register**. LSC will publish the notice and the NPRM on LSC's Web site.

Copies of all comments received during the designated comment period will be provided to the Committee and made available to other Board Members upon request. Copies of all comments will also be placed in a public docket available for inspection and copying in the FOIA Reading Room at the Corporation's offices, as well as in an electronic docket accessible from LSC's Web site.

In addition to comments received during the comment period, any relevant public comments made to the Committee during its public meetings on the rulemaking—including written comments submitted in conjunction with oral presentations—will be considered part of the administrative record of the rulemaking and included

[4] For further general information, see Negotiated Rulemaking Act of 1990, codified at 5 U.S.C. 561–70. LSC would be generally guided in the conduct of a negotiated rulemaking, should it choose to conduct one, by the principles and models contained in these statutes, but its particular parameters would be designated by the LSC Board of Directors, acting through the Committee.

in LSC's docket. LSC will not consider or respond to comments submitted outside of the public comment period or the relevant Committee meetings for a particular rulemaking. In the event a comment submitted outside the time periods described above raises significant substantive or procedural questions that LSC believes are likely to affect the outcome of the rulemaking, LSC may provide another opportunity for the submitter to provide the comment to LSC in a public forum or by reopening the rulemaking.

In some circumstances, LSC may determine that publication of a revised (or ''further'') NPRM (''FNPRM'') or a supplemental NPRM is necessary. These notices may be used to request comment on specific issues, on revisions to discrete parts of an NPRM, to clarify or add missing information to an existing NPRM, or in other instances where LSC wishes to obtain from or share information with the public. Such instances may include times when LSC makes material changes to the rule text proposed in the NPRM. With notice to the Board, the Committee may authorize an FNPRM or a supplemental NPRM at a public meeting, designating an additional period of public comment for no less than 30 days. The Committee may also authorize an extension or re-opening of the comment period on an existing NPRM.

Upon the close of the comment period, and upon determination that no further comment periods are needed, Management will draft the Final Rule in consultation with the OIG. Management will submit the draft Final Rule to the Committee for consideration at a public meeting. The draft also will be made available both electronically in advance of the meeting and in physical form at the meeting. LSC will publish in the **Federal Register** a notice of the meeting announcing the placement of the draft Final Rule on the Committee agenda and the availability of the draft Final Rule on LSC's Web site. At the Committee meeting, Management will present the draft Final Rule, and the Committee will provide a designated opportunity for public comment prior to a vote of the Committee to recommend publication. The Committee will then deliberate and decide whether to recommend that the Board adopt the Final Rule as a federal regulation, recommend that the Board terminate the rulemaking, or make no recommendation to the Board, but instead return the draft to Management for further development.

If the Board authorizes by its vote adoption of the Final Rule (as amended, if it chooses to do so), Management will make any necessary minor revisions to the document submitting it to the **Federal Register**. Any changes to LSC's regulations will also be reflected on LSC's Web site. In accordance with the LSC Act, any regulatory change will not be operative for at least 30 days after publication as a Final Rule, and this period may be extended at the discretion of the Committee and Management, or at the direction of the Board.

Dated: August 10, 2015.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2015–20025 Filed 8–13–15; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 300 to 399, revised as of October 1, 2014, on pages 394 and 395, in § 391.2, in paragraphs (a) introductory text, (b), and (c), ''(fg)'' is revised to read ''(f)''.

[FR Doc. 2015–20046 Filed 8–13–15; 8:45 am]

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Proposed Rules

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0037; Airspace Docket No. 14–ANE–3]

Proposed Establishment of Class E Airspace; Newport, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received on or before September 28, 2015.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2014–0037; Airspace Docket No. 14–ANE–3, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0037; Airspace Docket No. 14–ANE–3) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2014–0037; Airspace Docket No. 14–ANE–3.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

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

System, which describes the application procedure.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace extending upward from 700 feet above the surface at Parlin Field Airport, Newport, NH., providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Parlin Field Airport. Controlled airspace extending upward from 700 feet above the surface within a 12.1-mile radius of the airport would be established for IFR operations.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANE NH E5 Newport, NH [New]

Parlin Field Airport, NH
(Lat. 43°23′14″ N., long. 72°11′16″ W.)

That airspace extending upward from 700 feet above the surface within a 12.1-mile radius of Parlin Field Airport

Issued in College Park, Georgia, on August 5, 2015 .

Gerald E. Lynch,

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

[FR Doc. 2015–19951 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–2890; Airspace Docket No. 15–ASO–8]

Proposed Establishment of Class E Airspace; Placida, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received on or before September 28, 2015.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg Ground Floor, Rm. W12–140, Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2015–2890; Airspace Docket No. 15–ASO–8, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in

Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish Class E airspace at Coral Creek Airport, Placida, FL.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2015–2890; Airspace Docket No. 15–ASO–8) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–2890; Airspace Docket No. 15–ASO–8.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace extending upward from 700 feet above the surface at Coral Creek Airport, Placida, FL, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Coral Creek Airport. Controlled airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport would be established for IFR operations.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Placida, FL [New]

Coral Creek Airport, FL
(Lat. 26°51′13″ N., long. 82°15′09″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Coral Creek Airport.

Issued in College Park, Georgia, on August 5, 2015.

Gerald E. Lynch

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

[FR Doc. 2015–19950 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1234

[CPSC Docket No. 2015–0019]

Safety Standard for Infant Bath Tubs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, Section 104 of the Consumer Product Safety Improvement Act of 2008 (''CPSIA'') requires the United States Consumer Product Safety Commission (''Commission,'' ''CPSC,'' or ''we'') to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for infant bath tubs in response to the direction under Section 104(b) of the CPSIA. In addition, the Commission is proposing an amendment to include the proposed standard in the list of notices of requirements (NORs) issued by the Commission.

DATES: Submit comments by October 28, 2015.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature requirements of the proposed mandatory standard for infant bath tubs should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov*.

Other comments, identified by Docket No. CPSC 2015–0019, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov*. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov*. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov*. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number CPSC–2015–0019, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Celestine T. Kish, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; email: *ckish@cpsc.gov;* telephone: (301) 987–2547.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant and toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' Section 104(f)(2) of the CPSIA lists examples of durable infant or toddler products, including products such as ''bath seats'' and ''infant carriers.'' Although section 104(f)(2) does not specifically identify infant bath tubs, the Commission has defined infant bath tubs as a ''durable infant or toddler product'' in the Commission's product registration card rule under CPSIA section 104(d).[1]

Pursuant to section 104(b)(1)(A), the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this notice of proposed rulemaking (''NPR''), largely through the standards development process of ASTM International (formerly the American Society for Testing and Materials) (''ASTM''). The proposed rule is based on the voluntary standard developed by ASTM, ASTM F2670–13, *Standard Consumer Safety Specification for Infant Bath Tubs* (''ASTM F2670–13''), with several modifications to strengthen the standard.

The testing and certification requirements of section 14(a) of the Consumer Product Safety Act (''CPSA'') apply to product safety standards promulgated under section 104 of the CPSIA. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (test laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The infant bath tub standard, if issued as a final rule, will be a children's product safety rule that requires the issuance of an NOR. To meet the requirement that the Commission issue an NOR for the infant bath tub standard, this NPR proposes to amend 16 CFR part 1112 to include 16 CFR part 1234, the CFR section where the infant bath tub standard will be codified if the standard becomes final.

[1] Requirements for Consumer Registration of Durable Infant or Toddler Products; Final Rule, 74 FR 68668, 68669 (December 29, 2009); 16 CFR 1130.2(a)(16).

II. Product Description

A. Definition of Infant Bath Tub

ASTM F2670–13 defines an ''infant bath tub'' as a ''tub, enclosure, or other similar product intended to hold water and be placed into an adult bath tub, sink, or on top of other surfaces to provide support or containment, or both, for an infant in a reclining, sitting, or standing position during bathing by a caregiver.'' ASTM F2670–13 section 3.1.2. Falling within this definition are products of various designs, including ''bucket style'' tubs that support a child sitting upright, tubs with an inclined seat for infants too young to sit unsupported, inflatable tubs, folding tubs, and tubs with spa features, such as handheld shower attachments and even whirlpool settings. The ASTM standard permits infant bath tubs to have ''a permanent or removable passive crotch restraint as part of their design,'' but does not permit ''any additional restraint system(s) which requires action on the part of the caregiver to secure or release.'' *Id.* section 6.1. ASTM F2670–13 excludes from its scope ''products commonly known as bath slings, typically made of fabric or mesh.'' *Id.* sec. 1.1.

B. Market Description

CPSC staff is aware of at least 26 firms that supply infant bath tubs to the U.S. market. Twenty-three of these firms are domestic, including 14 manufacturers, eight importers, and one with an unknown supply source. Three foreign companies export directly to the United States via Internet sales or to U.S. retailers.

III. Incident Data

CPSC staff has received detailed reports from various sources of 202 incidents related to infant bath tubs from January 1, 2004 through May 20, 2015. Thirty-one of these incidents (15%) were fatal. Of the 146 victims whose age could be determined, 141 (97%) were under 2 years of age. In the 168 incidents in which the sex of the child was reported, 54 percent of the victims were male, and 46 percent of the victims were female.

A. Fatalities

Thirty-one fatalities were reported to have been associated with infant bath tubs from January 1, 2004 through May 20, 2015. Drowning was the reported cause of death for 30 of the fatalities (97%); the remaining fatality involved a child with a heart defect, whose death was attributed to pneumonia. Twenty-nine of the fatality victims (94%) were between 4 months and 11 months of age; the remaining two fatality victims were 23 months and 3 years of age. In all but one of the drowning fatalities, a parent or caregiver left the victim alone in the infant bath tub, and returned to find the child submerged. Sixteen of the fatalities (52%) were male, while 15 (48%) were female.

B. Nonfatal Injuries

One hundred seventy-one nonfatal incidents associated with infant bath tubs were reported to have occurred from January 1, 2004 through May 20, 2015. The 171 reports included 30 reports of injuries requiring hospitalization (nine reports), emergency room treatment (nine reports), treatment by a medical professional (eight reports), or first aid (four reports). The nine incidents requiring hospitalization included eight near-drowning incidents in which a child almost died from suffocation under water, and one scalding water burn. All eight near-drowning incidents resulting in hospitalization occurred while the parent or caregiver was not present. The nine incidents requiring emergency room treatment consisted of five near-drowning incidents, a head injury caused by a bath toy detaching from a tub, a concussion from a fall from a tub located on a counter when a tub leg collapsed, one rash, and an injury caused by mold on a tub. The eight injury reports requiring a visit to a medical professional consisted of one laceration, one rash, and six injuries involving mold. The four incidents requiring home first aid resulted from finger, hand, and foot entrapments.

C. Hazard Pattern Identification

CPSC staff considered all 202 (31 fatal and 171 nonfatal) reported infant bath tub incidents to identify the hazard patterns associated with infant bath tub-related incidents. Staff grouped the hazard patterns into the following categories in order of frequency:

1. *Drowning/Near Drowning* incidents account for 43 out of 202 (21%) of the reported incidents. Thirty of these 43 incidents were drowning fatalities; the remaining 13 incidents involved near-drownings. In 38 of the 43 drowning or near-drowning incidents (88%), the parent or guardian was not present at the time the incident occurred. Because there were no witnesses to a majority of drowning or near-drowning incidents, determining exactly what happened is difficult. Generally, the child was found floating, but exactly what transpired was unclear. One incidental fatality was attributed to pneumonia rather than drowning; this incident is discussed in the ''Miscellaneous Issues'' category.

2. *Protrusion/Sharp/Laceration issues* accounted for 39 out of 202 (19%) of the reported incidents. In most of these incidents, the child made contact with a part that protrudes from the tub, causing red marks, cuts, or bruising. The body parts reportedly injured were toes, feet, bottom, genitalia, and back. In 29 of the 39 incidents, a protrusion described as a ''bump'' or ''hump'' caused a red mark or discomfort to the infant. In many of these protrusion incidents, a ''hammock/sling'' attachment was involved.

Only one of the 39 ''protrusion'' incident reports required a hospital visit; in that incident, a child's back was scratched by a screw that penetrated the tub wall. The remaining 38 incidents in this category resulted in a minor injury or no injury.

3. *Product failures* accounted for 53 out of 202 (26%) of the reported incidents. In 28 incidents, the ''hammock'' or ''sling'' collapsed or broke, and in eight incidents the tub's locking mechanism failed or broke. The remaining 17 ''product failure'' incidents involved various tub parts breaking. In two of the 53 ''product failure'' incidents a child was treated at a hospital and released; in the remaining incidents, there was either no injury or a minor injury. In one of the incidents requiring a hospital visit, a toy attached to a tub fell and caused a deep cut on a child's forehead. In the second incident, the leg of a tub collapsed, causing a child to fall from the counter top supporting the tub onto the floor, resulting in a concussion.

4. *Entrapment issues* accounted for 20 out of 202 (10%) of the reported incidents. Entrapment incidents involved fingers, arms, feet, legs, or genitalia caught or stuck on parts of the tub, mostly in a pinching manner. Many of these injuries occurred in tubs that fold. Hinges, holes, and the foot area inside a tub were common areas of entrapment. These entrapment incidents resulted in no injury or minor injury; there were no reported hospitalizations.

5. *Slippery tub surface issues* accounted for 14 of 202 (7%) of the reported incidents. These incidents resulted in minor skin abrasions or scratches, and potential submersions. These incidents resulted in no injury or minor injury.

6. *Mold/Allergy issues* accounted for 12 of 202 (6%) of the reported incidents. Eight incidents were attributed to mold, and four were allergy related. The reported issues included itching, rashes, foul odor, respiratory issues, and a urinary tract infection. Eight of these incidents, six involving mold issues and two involving allergy issues, involved a

single infant tub make and model. The 12 reported incidents included two emergency room visits, one for an upper respiratory issue, and one for a rash on the child's back. In seven additional incidents, children were seen by a medical professional for itching and rashes (four incidents), a urinary tract infection, a severe cold with fever, and the presence of mold spores on the genitalia.

7. *Miscellaneous issues* accounted for 21 out of 202 (10%) of the reported incidents. The issues included falling out of a tub, an unstable tub, missing pieces, batteries leaking or overheating, rust, and scalding. Miscellaneous issues resulted in one fatality and one hospital admission. The fatality involved a child with a ventricular septal defect whose death was attributed to pneumonia. The hospital visit was caused by scalding when a parent poured hot water from a stove onto a tub's foam cushion and then placed the child in the tub. The rest of the reports involved no injury or a minor injury.

D. National Injury Estimates

CPSC also evaluates data reported through the National Electronic Injury Surveillance System (NEISS), which gathers summary injury data from hospital emergency departments selected as a probability sample of all the U.S. hospitals with emergency departments. This surveillance information enables CPSC staff to make timely national estimates of the number of injuries associated with specific consumer products. Based on a review of emergency department visits related to infant bath tubs for the years 2004 to 2014, staff estimates that there were 2,200 injuries treated in U.S. hospital emergency rooms over that 11-year period associated with infant bath tubs (sample size = 82, coefficient of variation = 0.18).[2] The NEISS data included one infant death, which has been included in the fatality statistics reported above. Approximately 94 percent of the victims were 12 months of age or younger and only one of the 82 reported NEISS cases involved a child older than 24 months.

For the injuries reported through NEISS, the most prominent hazard was falling, which occurred in 33 percent of the incidents. Drowning or near-drowning occurred in 22 percent of the incidents. Head injuries were common (35%), as were body injuries (22%), and face injuries (18%). In more than 80 percent of the NEISS cases, the victim was treated at the emergency room and released, while 15 percent were admitted or transferred to a hospital.

IV. The ASTM Infant Bath Tub Standard

A. History of ASTM 2670–13

Section 104(b)(1)(A) of the CPSIA requires the Commission to consult representatives of ''consumer groups, juvenile product manufacturers, and independent child product engineers and experts'' to ''examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler products.'' As a result of incidents arising from infant bath tubs, CPSC staff requested that ASTM develop voluntary requirements to address the hazard patterns related to their use. Through the ASTM process, CPSC staff consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public, and the infant bath tub standard was developed.

ASTM F2670 was first approved in 2009, and then revised in 2010, 2011, 2012, and 2013. The current version, ASTM F2670–13, was approved on February 15, 2013, and was published in March 2013.

B. Description of the Current ASTM Voluntary Standard-ASTM 2670–13

ASTM F2670–13 contains both general and performance requirements to address the hazards associated with infant bath tubs. ASTM F2670–13 includes the following key provisions: scope, terminology, general requirements, performance requirements, test methods, marking and labeling, and instructional literature.

Scope. This section states the scope of the standard, which: ''establishes performance requirements, test methods, and labeling requirements to promote the safe use of infant bath tubs.'' As stated in section II.A. of this preamble, ASTM F2670–13 defines an ''infant bath tub'' as a ''tub, enclosure, or other similar product intended to hold water and be placed into an adult bath tub, sink, or on top of other surfaces to provide support or containment, or both, for an infant in a reclining, sitting, or standing position during bathing by a caregiver.'' This description includes ''bucket style'' tubs that support a child sitting upright, tubs with an inclined seat for infants too young to sit unsupported, inflatable tubs, folding tubs, and tubs with more elaborate designs including handheld shower attachments and even whirlpool settings. ASTM F2670–13 excludes from its scope ''products commonly known as bath slings, typically made of fabric or mesh.'' *Id.* sec. 1.1.

Terminology. This section provides definitions of terms specific to this standard.

Requirements and Test Methods. These sections set both general and performance requirements to address several hazards, many of which are also found in the other ASTM juvenile product standards. These requirements and test methods address:

- Sharp edges or points (incorporating CPSC standards for sharp edges and sharp points);[3]
- Small parts (incorporating CPSC standards for small parts);[4]
- Lead in paint and surface coatings (incorporating CPSC lead and surface coating standards);[5]
- Passive restraints;
- Size and safety requirements for attached toys (incorporating CPSC toy standards);[6]
- Resistance to collapse or displacement in use;
- Durability and strength of locking components;
- Displacement of protective components;
- Adherence of suction cups;
- Permanence of labels and warnings;
- Protection from scissoring, shearing and pinching;
- Limits on openings; and
- Labeling.

Marking and Labeling. This section contains various requirements related to warnings, labeling, and required markings for infant bath tubs. This section prescribes various substance, format, and prominence requirements for such information.

Instructional Literature. This section requires that instructions provided with infant bath tubs be easy to read and understand. Additionally, the section contains requirements for instructional literature contents and format, as well as prominence of certain language.

V. Assessment of Voluntary Standard ASTM F2670–13

Staff considered the fatalities, injuries, and non-injury incidents associated with infant bath tubs, and evaluated ASTM F2670–13 to determine

[2] NEISS reports for infant bath tub incidents are summary in nature and provide limited detail for determining hazard scenarios. For that reason, NEISS incident data are not included in our analysis and discussion of overall hazard patterns, unless a NEISS incident report was supplemented by further investigation.

[3] See 16 CFR 1500.48 (sharp point standard) and 1500.49 (sharp edge standard).

[4] See 16 CFR part 1501 (small part limitations).

[5] See 16 CFR part 1303 (limitations on lead in paint and surface coatings).

[6] See ASTM F963, *Standard Consumer Safety Specification for Toy Safety* (ASTM F963).

whether the ASTM standard adequately addresses the incidents, or whether more stringent standards would further reduce the risk of injury associated with these products. We discuss the staff's assessment in this section.

A. Warnings and the Risk of Drowning Due to Inattention by Parent or Caregiver

From 2004 to 2014, 30 drowning fatalities and 13 near-drowning incidents have been associated with infant bath tubs. In 29 of the 30 drowning fatalities (97%), the caregiver left a child alone in an infant bath tub. In 38 of 43 total drowning or near-drowning incidents (88%), the child was left alone when the incident occurred.

From the perspective of setting product standards, the only way caregiver behavior, such as leaving an infant unattended in an infant bath tub, can be addressed is through warnings and instructions to caregivers. Staff reviewed the warnings and instructions required by ASTM F2670–13 to determine whether the ASTM standard's provisions are adequate, or whether a more stringent standard would reduce the risk of drowning and near-drowning associated with these products. The currently required warnings include the phrases: ''WARNING—DROWNING HAZARD,'' in bold capital letters, ''Infants have DROWNED in infant bath tubs'' (with the word ''DROWNED'' in bold capital letters), and ''ALWAYS keep infant within adult's reach.''

Staff determined that these current warning requirements allow for considerable variation in the conspicuity and format of the warnings presented to consumers. Staff's research suggests that the impact of these warnings would be improved by providing specific guidance for a more consistent and prominent presentation of hazard information. Staff's research also indicates that changes to the size, color, content, and format of required warnings and instructions could augment the impact of the warnings and instructions for infant bath tubs, resulting in a higher level of caregiver compliance.

Staff developed suggested wording and formatting changes for infant bath tubs that staff believed would improve the warning and instructions sections of the voluntary standard. Staff circulated these proposed wording and formatting changes to the ASTM subcommittee responsible for ASTM F2670–13, and discussed the proposed changes at a public ASTM meeting in May 2015. In response to feedback received from ASTM and stakeholders, staff made adjustments to staff's proposed warnings and instructions.

The Commission now proposes to adopt ASTM F2670–13 with modifications to some of the warnings and instructions for infant bath tubs. In particular, the Commission proposes the following modifications:

- Increasing the size of the text in the on-product warnings to make the warnings for infant bath tubs consistent with Commission requirements for warnings for a similar product, infant bath seats;
- Requiring the use of a ''hazard color'' in the on-product and retail package warnings;
- Revising the warning content to simplify and clarify the language and to add specific language to address the risk of falls; and
- Specifying the format of the warnings on the product, on the retail packaging, and in the accompanying instructions to increase the potential impact of the warnings and provide a more consistent presentation of hazard information.

Based on research relating to the efficacy of warnings and instructions, staff believes that these changes will help capture and maintain caregiver attention, personalize the tone of the warnings, be simpler to comprehend than the current warnings, and provide consistency with the warnings regarding baby bath seats, a similar product. These changes, plus the new required warning of the risk of falls, may result in increased caretaker comprehension of, and compliance with, product warnings and instructions. The Commission believes that these changes constitute more stringent warning and labeling requirements than the current standard, and will further reduce the risk of injury to infants and toddlers associated with infant bath tubs.

B. Hazards Related to Protrusion/Sharp/Laceration Issues

Protrusion issues were involved in 39 of 202 (19%) of the reported incidents. In one incident, a protruding screw scratched a child, resulting in a hospital visit; other incidents involved red marks, cuts, or bruising from rough or protruding edges. However, staff found no trends in the incident data involving scrapes or cuts.

In most of the ''protrusion'' incidents, a ''hump'' or ''bump'' in the tub, designed to help older infants sit upright, caused a red mark or discomfort for the infant, typically when the infant bath tub was used with a hammock or sling attachment and the child made contact with the ''hump.'' As discussed in more detail in section V.C. of this preamble, ASTM has formed two task groups to develop new infant sling performance requirements.

C. Hazards Related to ''Bath Sling'' Products

The current ASTM standard specifically excludes bath slings, which are net or mesh products that do not hold water, are attached to an infant bath tub or a frame, and are used for bathing newborn babies and young infants. Several infant bath tub models include bath slings as part of the tub, or as an accessory.

Staff is aware that 28 of the 53 ''product failure'' incidents involved bath hammocks or slings. Staff and ASTM are working to investigate how the observed risks of bath slings should be addressed. In addition, ASTM formed two task groups to address the risks of bath slings. One group is developing performance requirements for infant slings that can only be used with infant bath tubs, which will be addressed in the infant bath tub standard. A second group is developing requirements for bath slings that are used separately or as tub accessories, which will be addressed under a new, separate standard.

D. Latching or Locking Mechanism Testing

A number of incidents involved tub locking mechanisms that failed or broke. Staff believes the current standard for latch mechanism testing in ASTM F2670–13, section 7.1.2., which requires that latches be tested more than 2,000 cycles, is appropriately stringent. However, staff also has observed that some complex locking and latching mechanisms are difficult to test within the required ''cycle time'' of 12 cycles per minute. Staff has worked with ASTM to find an alternate method of conducting this test to make testing results for infant bath tubs more accurate and consistent. Staff has determined that requiring the 2,000-cycle testing to be conducted on a ''continuous basis'' will allow more designs of infant bath tubs to be tested consistently and accurately to the standard of section 7.1.2. Moreover, ASTM is currently considering adopting the change that staff suggested to ASTM, but has not yet done so.

In this NPR, the Commission proposes to modify section 7.1.2 to improve the accuracy and consistency of the mandatory product testing. The Commission also proposes adding an Appendix regarding section 7.1.2, to clarify that although the cadence of testing has changed to accommodate a

broader variety of infant bath tub designs, the intent of the standard is to require continuous testing while maintaining a rate as close to 12 cycles per minute as can reasonably be achieved. The Commission believes these changes will augment product safety by improving the accuracy, consistency, and repeatability of durability testing.

E. Static Load Testing.

The static load testing requirement and the testing for resistance to collapse in the infant bath tub standard is intended to address the issue of breaks. Infant bath tubs are required to support a load of 50 lbs. (22.7 kg.), or three times the maximum weight recommended by the manufacturer, whichever is greater, for 20 minutes. Staff believes that the current load testing provides an appropriate level of protection from breakage. However, staff also has determined that the current testing standard, which mandates the use of a 6″ x 6″ block of high-density polyethylene to provide the required weight, may damage some infant bath tub designs, which could create additional risks. Staff recommended to ASTM that the required polyethylene block be rounded on the corners; but ASTM decided to replace the block with a bag of steel shot for static load testing. This matter was addressed at an ASTM public meeting, was balloted and approved by ASTM, and will be added to the next published edition of the ASTM standard. The Commission believes that including this modification in the NPR will augment product safety by improving the accuracy, consistency, and repeatability of static load testing.

F. Entrapment

Entrapments accounted for 20 of 202 reported incidents (10%). Most of the incidents involved body parts becoming stuck or caught in a tub, and most of those incidents involved pinching. Many of the incidents involved folding tubs. However, staff found no trends in this incident data. The Commission believes that the current infant bath tub standard's requirements for scissoring, shearing, and pinching (section 5.5) and Openings (section 5.6) are appropriate to protect the public.

G. Slippery Surfaces

Slippery tub surfaces accounted for 14 of the 202 reported incidents (7%), resulting in abrasions and submersions but no injuries. Most of these incidents contain little detail. Therefore, the Commission is not proposing any modifications to the ASTM infant bath tub standard regarding this issue. Staff will continue to monitor, collect, and study details on slip-related fall and submersion incidents in infant tubs. In addition, staff will work with ASTM, if warranted, to develop appropriate performance requirements to address slip-related fall and submersion incidents.

H. Mold/Allergy Issues

The mold and allergy issues involved itching, rashes, foul odor, respiratory issues, and a urinary tract infection. This is a difficult issue to address through performance requirements because the issue arises from the consumer's inability to clean and dry the infant tub to prevent mold. Therefore, the Commission is not proposing any modifications to the ASTM infant bath tub standard regarding this issue. However, CPSC staff will continue to review the incident data. If warranted, staff will address this matter through the ASTM process to determine whether additional instructions or warnings would be effective in reducing this risk.

I. Miscellaneous Issues

Miscellaneous issues included falling out of the tub, unstable tubs, missing pieces, batteries leaking or overheating, rust and scalding. Incidents in this category included one fatality that was attributed to pneumonia and one hospitalization from scalding. The rest of the reports were incidents with no injury or a minor injury. Staff's review of these miscellaneous incidents did not result in any recommendations to change the infant bath tub standard.

VI. Proposed CPSC Standard for Infant Bath Tubs

The Commission is proposing to incorporate by reference ASTM F2670–13, with certain modifications to strengthen the standard. As discussed in the previous section, the Commission concludes that these modifications will further reduce the risk of injury associated with infant bath tubs.

Section 1234.1 would state the scope of the rule; infant bath tubs. The definition of ''infant bath tub'' is provided in ASTM F2670–13 section 3.1.2.

Section 1234.2(a) would incorporate by reference ASTM F2670–13, with the exception of certain provisions that the Commission proposes to modify.

Section 1234.2(b) would detail the changes and modifications to ASTM F2670–13 that the Commission has determined would further reduce the risk of injury from infant bath tubs. In particular:

- Section 7.1.2, *Latching or Locking Mechanism Durability,* would be changed to permit continuous testing of infant bath tub latches through 2,000 cycles. An Appendix regarding section 7.1.2 would be added to clarify that the cadence of testing has been changed to accommodate tubs that could not be tested at the previous rate of 12 cycles per minute, but that testing is to be conducted continuously while maintaining a rate as close to the previous standard as possible.
- Section 7.4.2 would be changed to require that a 50 lb. (22.7 kg) bag of steel shot is to be used to test infant bath tubs in the required static load testing, rather than a block of high-density polyethylene, which might damage or puncture some tubs. Additionally, the text of this section would be changed to make the required weight equivalent, whether stated in pounds or kilograms.
- Section 8.4 would be changed to require warning statements on infant bath tubs and infant bath tub retail packaging to have prescribed warning language, and for the warning statements to be permanent, conspicuous, in contrasting color(s), bordered, and in type larger than currently required. Section 8.4 will also require additional warnings for infant bath tubs with suction cups. The changes would be accompanied by exemplar warnings.
- Section 9 would be changed to require that instructional literature for infant bath tubs contain new prescribed warnings regarding the risks of drowning or falling; explain the proper use of the product; and emphasize the safety practices stated in the warnings. The instructions must also address appropriate temperature ranges for bath water, and instruct users to discontinue use of infant bath tubs that become damaged, broken, or disassembled. The changes would be accompanied by an exemplar warning.

VII. Incorporation by Reference

Section 1234.2(a) of the proposed rule incorporates by reference ASTM F2670–13. The Office of the Federal Register (''OFR'') has regulations concerning incorporation by reference. 1 CFR part 51. The OFR recently revised these regulations to require that, for a proposed rule, agencies must discuss in the preamble to the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons, or explain how the agency worked to make the materials reasonably available. In addition, the preamble to the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section IV.B. of this

preamble summarizes the provisions of ASTM F2670–13 that the Commission proposes to incorporate by reference. ASTM F2670–13 is copyrighted. By permission of ASTM, the standard can be viewed as a read-only document during the comment period on this NPR, at: *http://www.astm.org/cpsc.htm.* Interested persons may also purchase a copy of ASTM F2670–13 from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* One may also inspect a copy at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

VIII. Amendment of 16 CFR Part 1112 To Include NOR for Infant Bath Tubs

The CPSA establishes certain requirements for product certification and testing. Products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third party conformity assessment body. *Id.* 2063(a)(2). The Commission must publish an NOR for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). Thus, the proposed rule for 16 CFR part 1234, Safety Standard for Infant Bath Tubs, if issued as a final rule, would be a children's product safety rule requiring the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), codified at 16 CFR part 1112 (''part 1112'') and effective on June 10, 2013, establishing requirements for CPSC acceptance of third party conformity assessment bodies to test for conformance with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs previously issued by the Commission.

All new NORs for new children's product safety rules, such as the infant bath tub standard, require an amendment to part 1112. To meet the requirement that the Commission issue an NOR for the proposed infant bath tub standard, as part of this NPR, the Commission proposes to amend the existing rule that codifies the list of all NORs issued by the Commission to add infant bath tubs to the list of children's product safety rules for which the CPSC has issued an NOR.

Test laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for infant bath tubs would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1234, *Standard Consumer Safety Specification for Infant Bath Tubs,* included in the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

IX. Effective Date

The Administrative Procedure Act (''APA'') generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The Commission is proposing an effective date of 6 months after publication of the final rule in the **Federal Register** for products manufactured or imported on or after that date. The proposed rule does not require manufacturers to make design or manufacturing changes; rather, the proposed rule requires only that manufacturers create and print new labels. The two product testing recommendations require a simple change in equipment (replacing a block of high-density polyethylene with a 50-lb. shot bag), and a timing change in the cycle testing for latches or locking mechanisms. Similar equipment and testing methods are already used in child product testing, so the testing changes can be made without delay. The 6-month period will allow ample time for manufacturers and importers to arrange for third party testing, and this is consistent with the timeframe adopted in a number of other section 104 rules.

We also propose a 6-month effective date for the amendment to part 1112.

We ask for comments on the proposed 6-month effective date.

X. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (''RFA'') requires agencies to consider the impact of proposed rules on small entities, including small businesses. The RFA generally requires agencies to review proposed rules for their potential impact on small entities and prepare an initial regulatory flexibility analysis (''IRFA'') unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603 and 605. Because staff was unable to estimate precisely all costs of the draft proposed rule, staff conducted such an analysis. The IRFA must describe the impact of the proposed rule on small entities and identify any alternatives that may reduce the impact. Specifically, the IRFA must contain:

- A description of, and where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- A description of the reasons why action by the agency is being considered;
- A succinct statement of the objectives of, and legal basis for, the proposed rule;
- A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to the requirements and the type of professional skills necessary for the preparation of reports or records;
- Identification, to the extent possible, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule; and
- A description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize the rule's economic impact on small entities.

B. Market Description

CPSC staff is aware of at least 26 firms that supply infant bath tubs to the U.S. market. Twenty-three of these firms are domestic. Of the domestic firms, 14 are manufacturers, eight are importers, and one has an unknown supply source. Seventeen of the domestic firms qualify as ''small firms'' under the guidelines of the U.S. Small Business Administration (''SBA''). Three foreign companies export to the United States via Internet sales or to U.S. retailers.

C. Reason for Agency Action and Legal Basis for Proposed Rule

The Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA, requires the CPSC to promulgate mandatory standards that are substantially the same as or more stringent than, the voluntary standards for durable infant or toddler products. The proposed rule implements that congressional direction.

D. Other Federal Rules

Section 14(a)(2) of the CPSA requires every manufacturer and private labeler of a children's product that is subject to a children's product safety rule to certify, based on third party testing conducted by a CPSC-accepted laboratory that the product complies with all applicable children's product safety rules. Section 14(i)(2) of the CPSA requires the Commission to establish protocols and standards requiring children's products to be tested periodically and when there has been a material change in the product, and safeguarding against any undue influence on a conformity assessment body by a manufacturer or private labeler. A final rule implementing these requirements, *Testing and Labeling Pertaining to Product Certification* (16 CFR part 1107) became effective on February 13, 2013 (the ''1107 Rule''). If a final children's product safety rule for infant bath tubs is adopted by the Commission, infant bath tubs will be subject to the third party testing requirements, including record keeping, when the final rule becomes effective.

Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (*i.e.,* testing laboratories) for each children's product safety rule. The NORs for existing rules are set forth in 16 CFR part 1112. If the Commission adopts a final rule on infant bath tubs, publication of a NOR establishing requirements for the accreditation of testing laboratories will be required.

E. Impact of the New Standards and Testing Requirements on Small Businesses

Under SBA guidelines, a manufacturer of infant bath tubs is categorized as ''small'' if it has 500 or fewer employees, and importers and wholesalers are considered ''small'' if they have 100 or fewer employees. Based on these guidelines, 17 of the 23 domestic firms known to be supplying infant bath tubs to the U.S. market are small firms: 10 manufacturers, six importers, and one firm with an unknown supply source.

Small Domestic Manufacturers. The impact of the proposed rule is not likely to be significant for small manufacturers. Based on information on firms' Web sites, staff believes six domestic manufacturers already comply with the current infant bath tub standard. This includes two infant bath tub manufacturers that are certified by the Juvenile Products Manufacturers Association (''JPMA''), the major U.S. trade association that represents juvenile product manufacturers and importers, as compliant with the voluntary standard. Firms already in compliance with the infant bath tub standard will not need to make physical modifications to their products, but will have to make modifications regarding the warnings and instructions with their products. The costs of modifying existing labeling are usually small.

The four domestic manufacturers who do not appear to be in compliance with the infant bath tub standard might need to modify their products. However, these modifications are likely to be minor because the products are not complex; infant bath tubs generally are composed of one or two pieces of hard or soft plastic molded together. Modifications would primarily involve adjusting the size of grooves or openings on the side of the product to avoid finger entrapment. Therefore, the impact of the proposed rule is likely to be small for producers who do not yet comply with the infant bath tub standard.

Under section 14 of the CPSA, should the Commission adopt the infant bath tub standard as a final rule, all manufacturers will be subject to the additional costs associated with the third party testing and certification requirements under the testing and labeling rule (16 CFR part 1107). Third party testing will include any physical and mechanical test requirements specified in the final infant bath tub rule that may be issued; lead testing is already required. Third party testing costs are in addition to the direct costs of meeting the infant bath tub standard.

Based on testing costs for similar juvenile products, staff estimates that testing to the infant bath tub standard could cost approximately $500–$600 per model sample. On average, each small domestic manufacturer supplies three different models of infant bath tubs to the U.S. market annually. Therefore, if third party testing were conducted every year on a single sample for each model, third party testing costs for each manufacturer would be about $1,500–$1,800 annually. Based on a review of firms' revenues, which were, on average, about $29 million annually, it seems unlikely that the impacts of the rule will be economically significant for small producers.

Small Domestic Importers. Staff believes that four of the six small importers are compliant with the current infant bath tub standard, and would only need to assure that their suppliers make the label modifications to comply with the proposed rule. The two remaining importers might need to find an alternate source of infant bath tubs if their existing suppliers do not come into compliance with the requirements of the proposed rule. Alternatively, these firms may discontinue importing infant bath tubs altogether and perhaps substitute another product.

Importers of infant bath tubs will be subject to third party testing and certification requirements, and will experience the associated costs if their supplier(s) does not perform third party testing. Based upon review of the firms' revenues, which were, on average, about $4.0 million annually, the impact of the testing requirements could exceed 1 percent of revenues if the firms needed to test more than one unit per model. Hence, staff cannot rule out a significant economic impact on small domestic importers due to the testing requirements.

As mentioned above, one small domestic firm has an unknown supply source. However, the firm has a diverse product line and claims to be compliant with various standards for several of its other infant products. It is possible that its infant bath tub is already compliant with ASTM F2670–13, and thus, would only have to modify existing labels. Regardless, this firm should not experience large impacts because infant bath tubs are only one of many products this firm supplies.

In summary, staff concluded that the impact of the proposed rule is unlikely to be economically significant for most firms, but is unable to conclude that the proposed rule would not have a significant economic impact on small importers.

Alternatives. Under section 104 of the CPSIA, the Commission is required to promulgate a standard that is either substantially the same as the voluntary standard or more stringent. The Commission could promulgate the existing voluntary standard without revision. However, the proposed warning labels and testing procedures are not expected to have a substantial impact on costs to small businesses. Another alternative that would reduce the impact on small entities is to set an effective date later than the proposed 6 months. This would allow manufacturers additional time to modify and/or develop compliant infant bath tubs, thus spreading the costs associated with compliance over a longer period of time.

F. Impact of Proposed 16 CFR Part 1112 Amendment on Small Businesses

As required by the RFA, staff conducted a Final Regulatory Flexibility Analysis (''FRFA'') when the Commission issued the part 1112 rule

(78 FR 15836, 15855–58). Briefly, the FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small testing laboratories because no requirements were imposed on test laboratories that did not intend to provide third party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the infant bath tub standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the infant bath tub standard. Most of these test laboratories will have already been accredited to test for conformance to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the infant bath tub standard to their scope of accreditation. As a consequence, the Commission certifies that the NOR amending 16 CFR part 1112 to include the infant bath tub standard will not have a significant impact on a substantial number of small entities.

XI. Environmental Considerations

The Commission's regulations address whether we are required to prepare an environmental assessment or an environmental impact statement. Under these regulations, a rule that has ''little or no potential for affecting the human environment'' is categorically exempt from this requirement. 16 CFR 1021.5(c)(1). The proposed rule falls within the categorical exemption.

XII. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- A summary of the collection of information;
- A brief description of the need for the information and the proposed use of the information;
- A description of the likely respondents and proposed frequency of response to the collection of information;
- An estimate of the burden that shall result from the collection of information; and
- Notice that comments may be submitted to the OMB.

Title: Safety Standard for Infant Bath Tubs.

Description: The proposed rule would require each infant bath tub to comply with ASTM F2670–13, with the changes proposed in this Notice, which contains requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import infant bath tubs.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR Section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1234.2	26	3	78	1	78

Our estimate is based on the following:

Section 8.1 of the infant bath tub standard requires that the name of the manufacturer, distributor, or seller, and either the place of business (city, state, and mailing address, including zip code) or telephone number, or both, to be marked clearly and legibly on each product and its retail package. Section 8.1.2 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture. Section 8.4 describes required safety labeling.

There are 26 known entities supplying infant bath tubs to the U.S. market. All firms are assumed to use labels already on both their products and their packaging, but they may need to make some modifications to their existing labels. Based on an informal survey by staff, the estimated time required to make these modifications is about 1 hour per model. Each entity supplies an average of three different models of infant bath tubs; therefore, the estimated burden associated with labels is 1 hour per model × 26 entities × 3 models per entity = 78 hours. We estimate the hourly compensation for the time required to create and update labels is $30.19 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' March 2015, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the labeling requirements is $2,354.82 ($30.19 per hour × 78 hours = $2,354.82). No other operating, maintenance, or capital costs are associated with the collection.

Section 9.1 of the infant bath tub standard requires instructions to be supplied with the product. Infant bath tubs are products that generally require use and/or assembly instructions. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are ''usual and customary.'' We are unaware of infant bath tubs that generally require use instructions, but lack these instructions. Therefore, we tentatively estimate that there are no burden hours associated with section 9.1 of the infant bath tub standard, because any burden associated with supplying instructions with infant bath tubs would be ''usual and customary'' and not within the definition of ''burden'' under the OMB's regulations.

Based on this analysis, the proposed standard for infant bath tubs would impose a burden to industry of 78 hours at a cost of $2,355 annually.

In compliance with the PRA (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information

collection by September 14, 2015, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- The accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, utility, and clarity of the information to be collected;
- Ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- The estimated burden hours associated with label modification, including any alternative estimates.

XIII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XIV. Request for Comments

This NPR begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for infant bath tubs, and to amend part 1112 to add infant bath tubs to the list of children's product safety rules for which the CPSC has issued an NOR. We invite all interested persons to submit comments on any aspect of the proposed mandatory safety standard for infant bath tubs and on the proposed amendment to part 1112. Specifically, the Commission requests comments on the costs of compliance with, and testing to, the proposed mandatory infant bath tub standard, the proposed 6-month effective date for the new mandatory infant bath tub standard, and the amendment to part 1112.

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1234

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, Toys.

For the reasons discussed in the preamble, the Commission proposes to amend title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: Public Law 110–314, section 3, 122 Stat. 3016, 3017 (2008); 15 U.S.C. 2063.

■ 2. Amend § 1112.15 by adding paragraph (b)(41) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(41) 16 CFR part 1234, Safety Standard for Infant Bath Tubs.

* * * * *

■ 3. Add part 1234 to read as follows:

PART 1234—SAFETY STANDARD FOR INFANT BATH TUBS

Sec.

1234.1 Scope.

1234.2 Requirements for infant bath tubs.

Authority: Authority: Sec. 104, Public Law 110–314, 122 Stat. 3016.

§ 1234.1 Scope.

This part establishes a consumer product safety standard for infant bath tubs.

§ 1234.2 Requirements for infant bath tubs.

(a) Except as provided in paragraph (b) of this section, each infant bath tub shall comply with all applicable provisions of ASTM F2670–13, *Standard Consumer Safety Specification for Infant Bath Tubs,* approved February 15, 2013. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) Comply with ASTM F2670–13 with the following additions or exclusions:

(1) Instead of complying with section 7.1.2 of ASTM F2670–13, comply with the following:

(i) 7.1.2 *Latching or Locking Mechanism Durability*—The latching or locking mechanism(s) shall be cycled through its normal operation a total of 2000 cycles. Each cycle shall consist of opening and closing the mechanism and erecting/folding the product. Cycling shall be conducted on a continuous basis.

(ii) [Reserved]

(2) Add as an Appendix to ASTM F2670–13, the following:

(i) X1.2 Section 7.1.2—The timing of the durability cycling was revised so as to accommodate latching or locking mechanisms on some products that may require longer than 5 seconds to activate and deactivate. Continuous cycling is being prescribed to accommodate these potential longer activation/deactivation cycles, but the intent of the standard is to cycle the latching or locking mechanisms at a rate as close to 12 cycles per minute as can be reasonably achieved for the specific mechanism.

(ii) [Reserved]

(3) Instead of complying with section 7.4.2 of ASTM F2670–13, comply with the following:

(i) 7.4.2 Place a load on the center of the seating surface using a 6 to 8 in. (150 to 200mm) diameter bag filled with steel shot and which has a total weight of 50 lb (22.7kg) or three times the maximum weight of the child recommended by the manufacturer, whichever is greater, on the center of the product.

(ii) [Reserved]

(4) Instead of complying with section 8.4 of ASTM F2670–13, including all subsections of section 8.4, comply with the following:

(i) 8.4 Each product shall be labeled with warning statements. The warning statements shall be in contrasting color(s), permanent, conspicuous and in non-condensed sans serif typeface. All warning(s) shall be distinctively separated from any other wording or designs and shall appear in the English language at a minimum. The specified warning label may not be placed in a location that allows the warnings to be obscured or rendered inconspicuous when in the manufacturer's recommended use position.

(A) 8.4.1 Warning Label Format—The safety alert symbol



and the word ''WARNING,'' shall be at least 0.4 in. (10 mm) high unless stated otherwise, shall be the same size, and shall be in bold capital letters. The remainder of the text shall be in characters whose upper case shall be at least 0.2 in. (5 mm) high unless stated otherwise. The safety alert symbol



and signal word ''WARNING'' shall be delineated with a bold solid line black border. The background color behind the safety alert symbol



and signal word ''WARNING'' shall be orange, red, or yellow, whichever provides best contrast against the product background. The remainder of the label text shall be black and in upper and lower case letters on a white background surrounded by a bold solid line black border. Text within the message panel shall be left-justified. Precautionary statements shall be indented from hazard statements and preceded by bullet points. Message panels within the label shall be delineated with solid black lines between sections addressing different hazards. If an outer border is used to surround the bold solid black lines of the label, the outer border shall be white and the corners may be radiused. An example label in the format described in this section is shown in Fig. 2.

(B) 8.4.2 The following warning statement shall be included exactly as stated below:

Drowning Hazard: Babies have drowned while using infant bath tubs.

(C) 8.4.3 Additional warning statements shall address the following:

- Stay *in arm's reach* of your baby.
- Use in empty adult tub or sink.
- Keep drain open.

(D) 8.4.4 The following warning statement shall be included exactly as stated below:

Fall Hazard: Babies have suffered head injuries falling from infant tubs.

(E) 8.4.5 Additional warning statements shall address the following:

- Use only [insert safe location(s), *e.g.,* in adult tub, sink, or on floor; in adult tub or on floor)].
- Never *lift or carry* baby in tub.

(F) 8.4.6 The drowning hazard warning statements and the fall hazard warning statements in 8.4.2 through 8.4.5 may be displayed on separate labels. If the fall hazard warning statements are displayed on a separate label, the label shall comply with the requirements of 8.4.1 except that the safety alert symbol



and the signal word ''WARNING'' shall be at least 0.2 in. (5 mm) in height and the remainder of the text shall be at least 0.1 in. (2.5 mm) in height. The fall hazard warning label shall not be displayed above or before the drowning hazard warning label.

(G) 8.4.7 Products utilizing suction cups as an attachment mechanism to the support surface, and which are not intended by the manufacturer to be used on any type of slip-resistant surface, shall also include a warning to this effect. In addition, if there are other types of surfaces that the manufacturer does not intend the product be used on, then additional warning(s) shall be given regarding such surface(s). Such warning(s) shall use the signal word WARNING preceded by the safety alert symbol, and shall meet the requirements described in 8.4.1.

(5) Instead of complying with section 8.5 of ASTM F2670–13, comply with the following:

(i) 8.5 Each product's retail package shall be labeled on the principal display panel as specified in 8.4 except that the safety alert symbol



and the word ''WARNING'' shall be at least 0.2 in. (5 mm) high and the remainder of the text shall be in characters whose upper case shall be at least 0.1 in. (2.5 mm) high. The warnings and statements are not required on the retail package if they are on the product and visible in their entirety and are not concealed by the retail package. Cartons and other materials used exclusively for shipping the product are not considered retail packaging.

(ii) [Reserved]

(6) Instead of complying with section 9 of ASTM F2670–13, including all subsections of section 9, comply with the following:

(i) 9. Instructional Literature

(A) 9.1 All products shall have instructional literature enclosed that explains the proper use of the product and that shall be easy to read and understand. Such literature shall include instructions for assembly, maintenance, cleaning, inspections, and limitations of the product, as well as the manufacturer's recommended use position(s).

(B) 9.2 *Warning Statements in Instructional Literature:*

(*1*) 9.2.1 Instructional literature shall include the warnings specified in 8.4.2 through 8.4.7. The phrase ''To prevent drowning'' shall be added before the bulleted statements in 8.4.3 and the phrase ''To prevent falls'' shall be added before the bulleted statements in 8.4.5.

(*2*) 9.2.2 Warning statements in instructional literature shall also address the following:

- Babies can drown in as little as 1 inch of water. Use as *little water as possible* to bathe your baby.
- Never rely on a toddler or preschooler to help your baby or alert you to trouble. Babies have drowned even with other children in or near bath tub.

(*3*) 9.2.3 Warning statements in instructional literature shall meet the requirements described in 8.4 except that the background and text in the signal word panel need not be in color, and the remaining text shall be in highly contrasting colors, (*e.g.,* black text on white). An example label that meets the requirements is shown in Fig. 3.

(C) 9.3 In addition to the warnings, the instructional literature shall emphasize and reinforce the safe practices stated in the warnings.

(D) 9.4 Instructional literature shall also advise to test the temperature of the water in, or being put into, the infant bath tub prior to placing the infant into the product. Instructions shall also indicate that the typical water temperature for bathing a baby should be between 90 and 100 °F (32.2 and 37.8°C).

(E) 9.5 Instructional literature shall instruct to discontinue the use of the product if it becomes damaged, broken, or disassembled.

(F) 9.6 Instructional literature shall include the information as specified in 8.3.

(G) 9.7 Warnings, statements, or graphic pictorials shall not indicate or imply that the infant may be left in the product without a caregiver in attendance.

(7) Add the following Figure 2 to ASTM F2670–13:

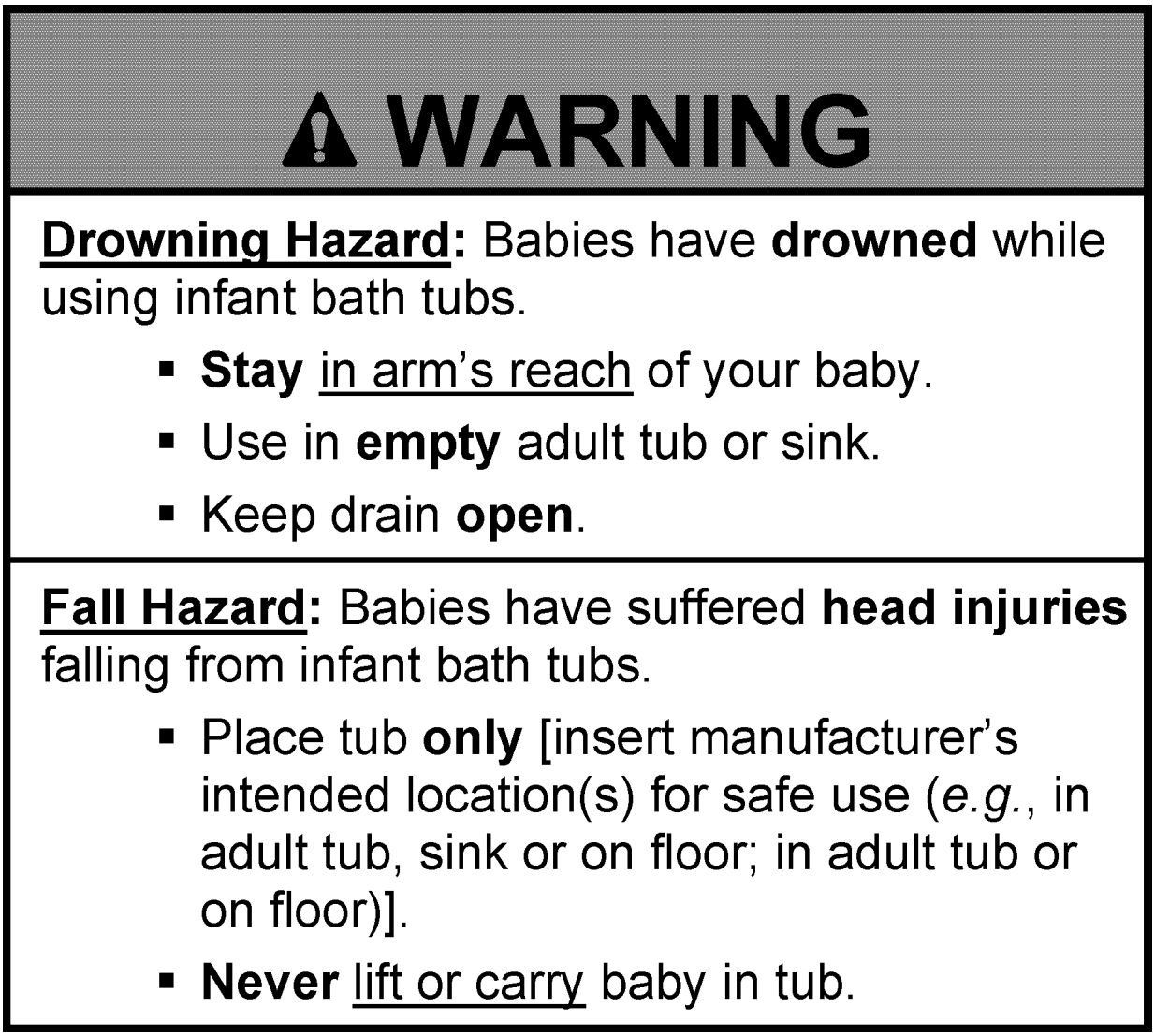


Fig. 2 Example label that meets the requirements of Section 8 with the drowning and fall hazards combined in a single label.

(8) Add the following Figure 3 to ASTM F2670–13:

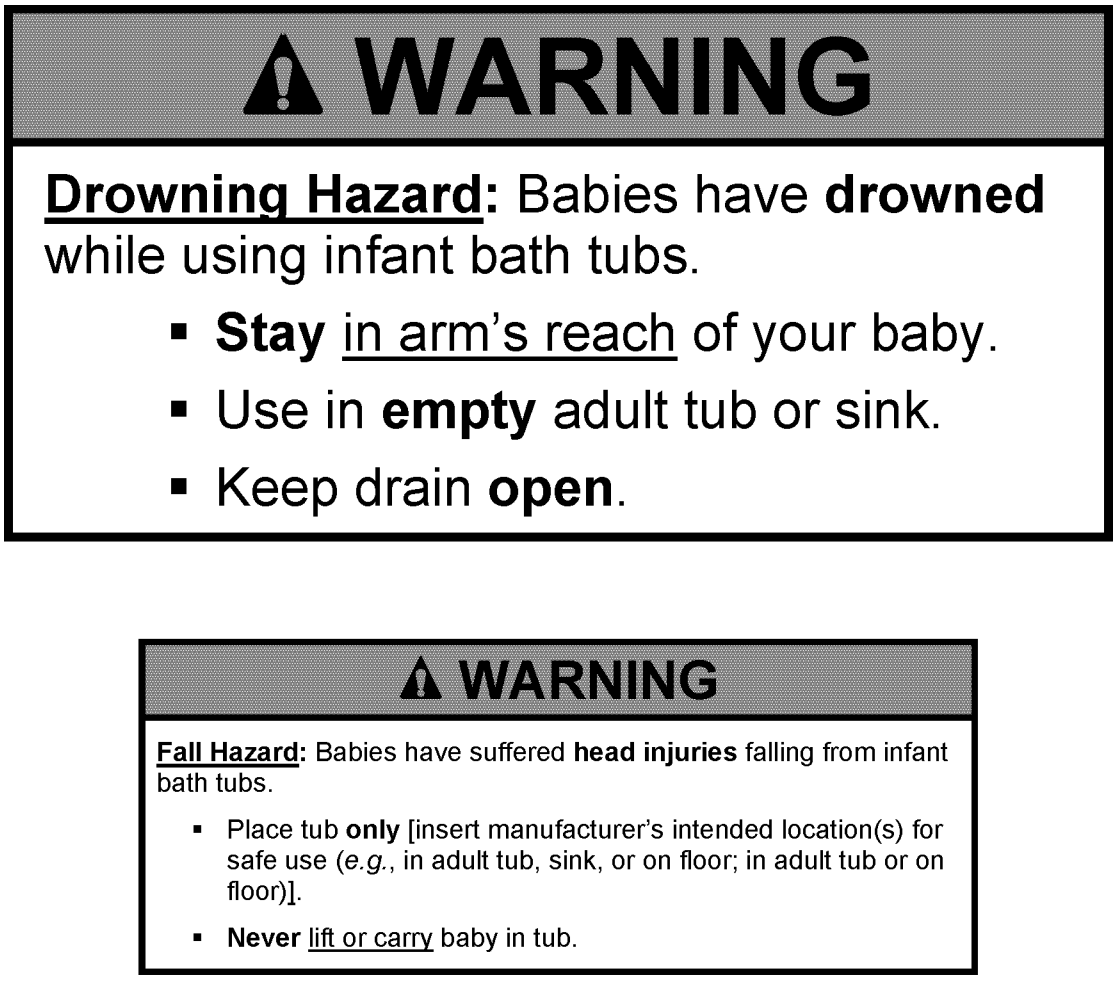


Fig. 3 Example labels that meet the requirements of Section 8 when the drowning hazard warning and fall hazard warning are presented in separate labels.

(9) Add the following Figure 4 to ASTM F2670–13:

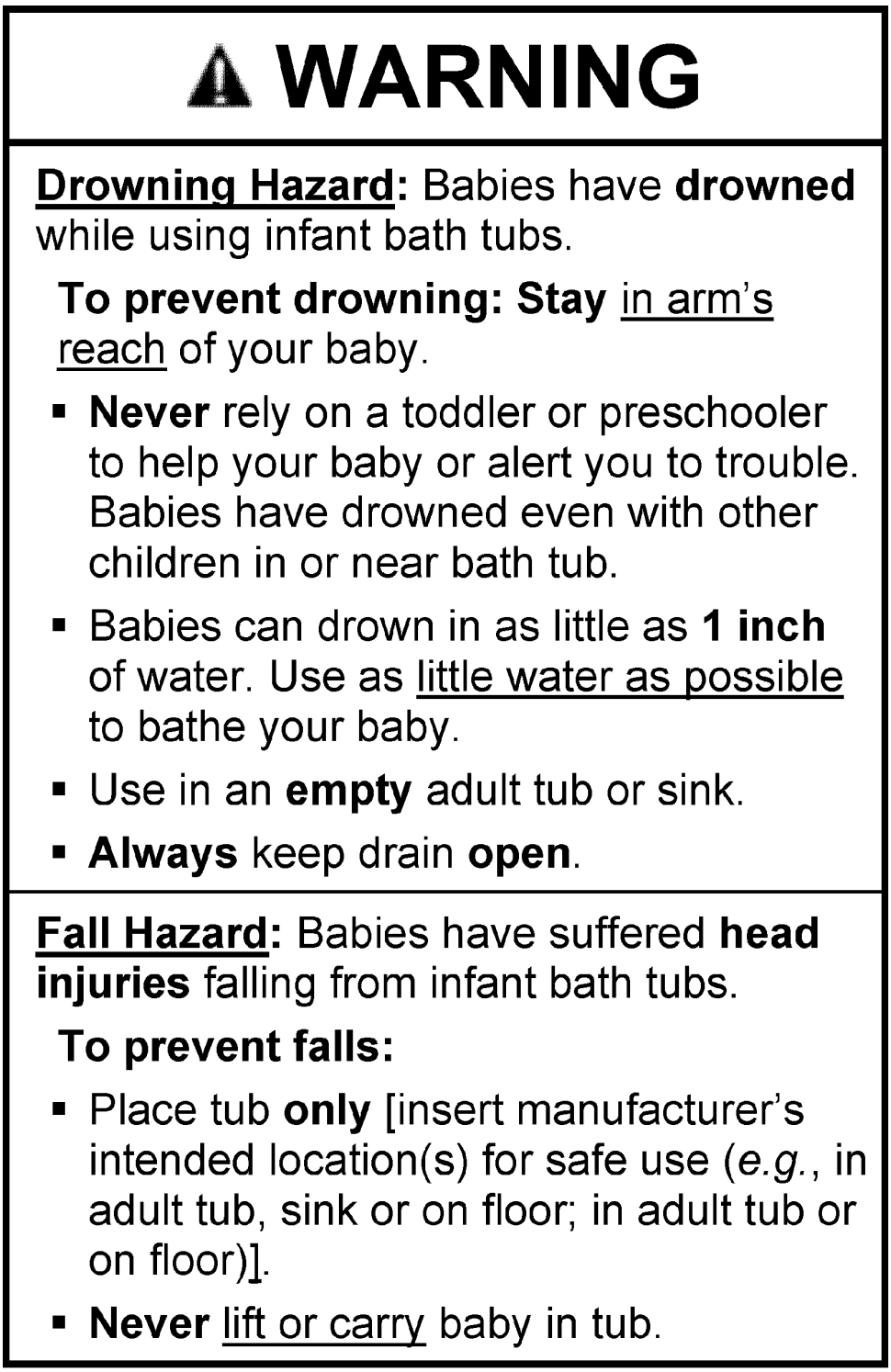


Fig. 4. Example label that meets the requirements of Section 9. Note: The fall hazard warning need not be presented in 0.2 in. text if it is displayed separately from the drowning hazard warning.

BILLING CODE 6355–01–P

Dated: August 6, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–19668 Filed 8–13–15; 8:45 am]

BILLING CODE 6355–01–C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0561]

RIN 1625–AA00

Safety Zone; Mack Cycle Escape to Miami Triathlon, Biscayne Bay; Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the waters of Biscayne Bay, east of Margaret Pace Park, Miami, Florida during the Mack Cycle Escape to Miami Triathlon on September 20, 2015. The temporary safety zone is necessary to provide for the safety of the participants, participant vessels, spectators, and the general public during the event. Non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone that encompasses the swim area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before August 31, 2015.

Requests for public meetings must be received by the Coast Guard on or before September 14, 2015.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Benjamin R. Colbert, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *Benjamin.R.Colbert@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0561 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0561) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

This is the first rule-making action in regards to this year's Mack Cyle Escape to Miami Triathlon event.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1. The purpose of the rule is to provide for the safety of life on the navigable waters of the United States

during the Mack Cycle Escape to Miami Triathlon.

D. Discussion of Proposed Rule

On September 20, 2015, Life Time Fitness Triathlon Services, LLC is sponsoring the Mack Cycle Escape to Miami Triathlon. The event will be held on the waters of Biscayne Bay, east of Margaret Pace Park, Miami, Florida. Approximately 2,100 participants are expected to participate in the swim portion of this event.

The proposed rule will establish a safety zone that will encompass certain waters of Biscayne Bay, Miami, Florida. The safety zone will be enforced from 6:30 a.m. until 11 a.m. on September 20, 2015. The safety zone will establish an area around the swim portion of the event where non-participant persons and vessels are prohibited from entering, transiting, anchoring, or remaining within. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the event area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

2. Impact on Small Entities

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

This proposed rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Biscayne Bay encompassed within the safety zone from 6:30 a.m. until 11 a.m. on September 20, 2015. However, this safety zone would be activated, and thus subject to enforcement, for only four and one half hours early on a Sunday when vessel traffic is low. Additionally, traffic would be allowed to pass through the zone with the permission of the Captain of the Port Miami or a designated representative.

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

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard previously completed a Categorical Exclusion Determination for this temporary safety zone in 2013. The regulation for the 2013 occurrences is similar in all aspects to this year's regulation; therefore, the same Categorical Exclusion Determination is being referenced for this year's regulation. The Categorical Exclusion Determination is available in the docket folder for USCG–2013–0688 at *www.regulations.gov.* This proposed rule involves establishing a safety zone that will be enforced from 6:30 a.m. until 11 a.m. on September 20, 2015. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

F. List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0561 to the undesignated center heading Seventh Coast Guard District to read as follows:

§ 165.T07–0561 Safety Zone; Mack Cycle Escape to Miami Triathlon, Biscayne Bay; Miami, FL.

(a) *Regulated area.* The following regulated area is a safety zone. All waters of Biscayne Bay, east of Margaret Pace Park, Miami, FL encompassed within the following points: starting at point 1 in position 25°47′40″ N., 80°11′07″ W.; thence north to point 2 in position 25°48′12″ N., 80°11′07″ W.; thence east to point 3 in position 25°48′12″ N., 80°10′30″ W.; thence south to point 4 in position 25°47′40″ N., 80°10′30″ W.; thence west back to origin. All coordinates are North American Datum 1983.

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

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

(2) Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within a regulated area may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within a regulated area is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

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

(d) *Effective date.* This rule is effective on September 20, 2015. This rule will be enforced from 6:30 a.m. until 11 a.m. on September 20, 2015.

Dated: July 30, 2015.

A.J. Gould,

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

[FR Doc. 2015–20114 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0483]

RIN 1625–AA00

Safety Zone; Ironman 70.3 Miami; Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone on the waters of Biscayne Bay, east of Bayfront Park, in Miami, Florida during the 2015 Ironman 70.3 Miami, a triathlon. The Ironman 70.3 Miami is scheduled to take place on October 25, 2015. Approximately 2,500 participants are anticipated to participate in the swim portion of the event. No spectators are expected to be present during the event. The safety zone is necessary to ensure the safety of the participants, participant vessels, and the general public during the event.

Persons and vessels, except those participating in the event, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Miami or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before September 28, 2015.

Requests for public meetings must be received by the Coast Guard on or before September 14, 2015.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer John K. Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *John.K.Jennings@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Rich Walter, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–XXXX in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

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

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

Previously, a rule regarding this maritime event was published in the Code of Federal Regulations at 33 CFR 165. No final rule has been published in regards to this event.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195 33 CFR 1.05–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1. The purpose of the rule is to provide for the safety of life on navigable waters of the United States during the Ironman 70.3 Miami.

D. Discussion of Proposed Rule

On October 25, 2015, Miami Tri Events is sponsoring the Ironman 70.3, a triathlon. The swim portion of the event will be held on the waters of Biscayne Bay, Miami, Florida. Approximately 2,500 participants are anticipated to participate in the event. No spectator vessels are expected during the event.

The proposed rule will establish a safety zone that will encompass certain waters of Biscayne Bay located east of Bay Front Park, Miami, Florida. The safety zone will be enforced from 6 a.m. until 10:30 a.m. on October 25, 2015. The safety zone will establish an area around the event where non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the safety zone by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port

Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

2. Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Biscayne Bay encompassed within the safety zone from 3 p.m. until 6 p.m. on April 18, 2015. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195 33 CFR 1.05–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0024 to the undesignated center heading Seventh Coast Guard District to read as follows:

§ 165.T07–0679 Safety Zone; Ironman 70.3 Miami, Biscayne Bay; Miami, FL.

(a) *Regulated area.* The following regulated area is a safety zone. All waters of Biscayne Bay located east of Bayfront Park and encompassed within the following points: Starting at Point 1 in position 25°46′44″ N., 080°10′59″ W.; thence southeast to Point 2 in position 25°46′24″ N., 080°10′44″ W.; thence southwest to Point 3 in position 25°46′18″ N., 080°11′05″ W.; thence north to Point 4 in position 25°46′33″ N., 080°11′05″ W.; thence northeast back to origin. All coordinates are North American Datum 1983.

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

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

(2) Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

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

(d) *Effective date.* This rule will be enforced from 6 a.m. until 10:30 a.m. on October 25, 2015.

Dated: July 30, 2015.

A.J. Gould,

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

[FR Doc. 2015–20111 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0330]

RIN 1625–AA87

Security Zone; Military Ocean Terminal Concord (MOTCO); Concord, California

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing revisions to the existing conditional security zone regulation currently in place in the navigable waters of Suisun Bay, California, near Concord, California around each of the three piers at the Military Ocean Terminal Concord (MOTCO), California (formerly United States Naval Weapons Center Concord, California). This proposed action is intended to clarify responsibilities and authorities for enforcement of the security zone.

DATES: Comments and related material must be received by the Coast Guard on or before September 14, 2015. Requests for public meetings must be received by the Coast Guard on or before August 21, 2015.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2015–0330. 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.

You may submit comments, identified by docket number, using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Lieutenant Marcia Medina, Sector San Francisco, U.S. Coast Guard; telephone (415) 399–7443, email *D11-PF-MarineEvents@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations

COTP Captain of the Port San Francisco
DHS Department of Homeland Security
FR Federal Register
MOTCO Military Ocean Terminal Concord
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this notice of proposed rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

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

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not plan to hold a public meeting due to the nature of the existing security zone and the limited impact to the public. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please submit your request by August 21, 2015, and explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

On August 27, 1996, the Department of the Army, Corps of Engineers published a final rule in the **Federal Register** (61 FR 43969) establishing a restricted area [1] around the MOTCO piers (33 CFR 334.1110). Although the restricted area prohibits public access to the piers at all times, it lacks a conditional boundary extension to be enforced during the presence of munitions laden vessels and/or military onload/offload activities. Prior to January 24, 2005, the Coast Guard would address this lack of a conditional boundary by publishing a temporary security zone of sufficient size in the area for each operation at MOTCO (*see e.g.,* 68 FR 33382).

On January 24, 2005, to address this issue on a more permanent basis, the Coast Guard published a final rule in the **Federal Register** (70 FR 3299) establishing a conditional 500-yard security zone around MOTCO's piers to be enforced during military onload/offload operations (33 CFR 165.1199). The security zone provides necessary security for military operations by providing a standoff distance for blast and collision, a surveillance and detection perimeter, and a margin of response time for security personnel.

C. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish security zones. This authority is separate from the Department of the Army, Corps of Engineers authority to provide appropriate security in defense of their waterfront facilities and for vessels moored thereto in accordance with the restricted area in 33 CFR 334.1110.

The purpose of this rulemaking is to advance the Coast Guard's efforts to thwart potential terrorist activity through security measures on U.S. ports and waterways.

D. Discussion of the Proposed Rule

The current regulation at § 165.1199 contains several items that are the subject of the revisions proposed in this NPRM. The proposed revisions to § 165.1199 would clarify the regulations in a concise, understandable format.

First, the Coast Guard proposes to revise § 165.1199(c) by clarifying the Coast Guard's enforcement role during active loading operations, and the ability of the COTP to designate other representatives as having authority to enforce the security zone. The Coast Guard proposes to replace the existing term ''patrol personnel,'' in favor of a more appropriate term, ''designated representative,'' which includes federal, state and local officials designated by the COTP. This revision would clarify that the COTP may designate law enforcement officials other than Coast Guard personnel to patrol and enforce the security zone.

The Coast Guard also proposes to revise the security zone so that it is enforceable at any time a vessel loaded with munitions is present at a pier (in addition to during military onload/offload operations). Without this revision, the existing security zone is enforceable during military onload or offload operations only.

Additionally, the Coast Guard proposes to remove the existing provision regarding ''Local Notice to Mariners'' as a means of notifying the

[1] A ''restricted area'' is defined in § 334.2 as ''[a] defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.''

public that the security zone will be enforced. The security concern related to providing advance notification of the presence of an explosive load at a military base outweighs the benefit of advance notice of the security zone. Instead, the Coast Guard would notify the public of security zone enforcement (and suspensions of enforcement) via Broadcast Notice to Mariners and/or actual notice on-scene during military onloads or offloads. This revision would better align the notification method of this security zone with the notification method for the existing safety zone in the area (*see* § 165.1198).

Finally, in addition to the above revisions, the Coast Guard proposes to make minor technical editorial adjustments to § 165.1199 for ease of reading and comprehension.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

Security zone enforcement would be limited in duration, and limited to a narrowly tailored geographic area. In addition, although this proposed rule would restrict access to the waters encompassed by the security zone, the effect of this proposed rule would not be significant because the local waterway users will be notified via Broadcast Notice to Mariners and/or actual notice on-scene during military onloads or offloads. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

2. Impact on Small Entities

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

This proposed rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. The security zone would not have a significant economic impact on a substantial number of small entities for the following reasons. The security zone would be activated, and thus subject to patrol and enforcement, for a limited duration. When the security zone is activated, vessel traffic would be directed to pass safety around the security zone. The maritime public would be advised when transiting near the activated zone.

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a security zone of limited size and duration. This proposed rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary 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 proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.1199 to read as follows:

§ 165.1199 Security Zones; Military Ocean Terminal Concord (MOTCO), Concord, California.

(a) *Location.* The security zone(s) reside(s) within the navigable waters of Suisun Bay, California, extending from the surface to the sea floor, within 500 yards of the three Military Ocean Terminal Concord (MOTCO) piers in Concord, California.

(b) *Definitions.* As used in this section, ''designated representative'' means any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the Captain of the Port San Francisco (COTP) to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a Federal, state, or local law enforcement vessel, or a location on shore.

(c) *Regulations.* (1) The security zone(s) described in paragraph (a) of this section will be in force during active military onloading and/or offloading operations and at any time a vessel loaded with munitions is present at a pier.

(2) When one or more piers are involved in onload or offload operations at the same time, there will be a 500-yard security zone for each involved pier.

(3) Under the general regulations in subpart D of this part, entry into, transiting or anchoring within the security zone(s) described in paragraph (a) of this section is prohibited during times of enforcement unless authorized by the COTP or a designated representative.

(4) Vessel operators desiring to enter or operate within the security zone(s) during times of enforcement must contact the COTP or a designated representative on VHF–16 or through the 24-hour Command Center at telephone (415) 399–3547 to obtain permission to do so. Vessel operators given permission to enter or operate in the security zone(s) must comply with all directions given to them by the COTP or a designated representative.

(5) Upon being hailed by the COTP or designated representative by siren, radio, flashing light, or other means, the operator of a vessel approaching the security zone(s) must proceed as directed to avoid entering the security zone(s).

(d) *Notice of enforcement or suspension of enforcement of security zone(s).* During periods that one or more security zones are enforced, the COTP or a designated representative will issue a Broadcast Notice to Mariners and/or notify mariners via actual notice on-scene. In addition, COTP maintains a telephone line that is maintained 24 hours a day, 7 days a week. The public can contact COTP at (415) 399–3547 to obtain information concerning enforcement of this section. When the security zones are no longer needed, the COTP or designated representative will cease enforcement of the security zones. Upon suspension of enforcement, all persons and vessels are granted general permissions to enter, move within, and exit the security zones, but should remain cognizant of the applicable restricted area designated in 33 CFR 334.1110.

Dated: July 1, 2015.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2015–20110 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0454; FRL–9932–34–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Movement of the Northern Virginia Area From Virginia's Nonattainment Area List to Its Maintenance Area List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of moving the localities of Northern Virginia from Virginia's regulatory list of nonattainment areas to its list of maintenance areas for fine particulate matter ($PM_{2.5}$). In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period.

Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 14, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0454 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0454, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mail code 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No EPA–R03–OAR–2015–0454. 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 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 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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: August 4, 2015.

William C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2015–20022 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0394; FRL–9932–27–Region 7]

Approval and Promulgation of Implementation Plans; State of Iowa; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standards, Section 110(a)(2)(E)(ii), and a Supplemental SIP for Relevant Iowa Laws and Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Iowa for the 2008 National Ambient Air Quality Standards (NAAQS) for Lead (Pb) addressing the applicable requirements of the Clean Air Act (CAA) section 110, which requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by the EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the State's responsibilities under the CAA.

EPA is also proposing to approve a supplemental revision for the SIP to include article 1, section 2 of the Iowa Constitution, and portions of the Iowa Code and the Iowa Administrative Code to codify the relevant state laws as applied to conflict of interest provisions.

DATES: Comments must be received on or before September 14, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2015–0394, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: Hamilton.heather@epa.gov.*

3. *Mail:* Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

4. *Hand Delivery or Courier:* Deliver your comments to Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2015–0394. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://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 *http://www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *http://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 *http://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 should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7039; *email address: Hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we refer to EPA. A detailed technical support document (TSD) is included in this rulemaking docket to address the following: A description of Clean Air Act section 110(a)(1) and (2) infrastructure SIPs; the applicable elements under sections 110(a)(1) and (2); EPA's approach to the review of infrastructure SIP submissions, and EPA's evaluation of how the Iowa addressed the relevant elements of sections 110(a)(1) and (2). This section provides additional information by addressing the following questions:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?

I. What is being addressed in this document?

EPA is proposing to approve the two submissions from the State of Iowa: The infrastructure SIP submission (received November 4, 2011) from Iowa which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Pb NAAQS, and the submission from Iowa (Received May 11, 2015, that codifies article 1, section 2, of the Iowa Constitution, as well as the relevant sections of the Iowa Code and the Iowa Administrative Code as they apply to conflict of interest provisions addressed in this action are referenced in the ''EPA Approved Nonregulatory SIP Provisions'' table accompanying this notice.

A Technical Support Document is included as part of the docket to discuss the details of this proposal, including analysis of how the SIP meets the applicable 110 requirements for infrastructure SIPs including specifically section 128 and 110(a)(2)(E).

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is proposing to approve the November 4, 2011, infrastructure SIP submission from Iowa which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Pb NAAQS. In addition, EPA is proposing to approve the May 11 2015 submission from Iowa that codifies article 1, section 2, of the Iowa Constitution, as well as the relevant sections of the Iowa Code and the Iowa Administrative Code as they apply to conflict of interest provisions. Details of these submissions are addressed in a Technical Support Document as part of the docket to discuss the proposal.

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Iowa's SIP, EPA believes that Iowa's SIP will meet all applicable required elements of sections 110(a)(1) and (2) with respect to the 2008 Pb NAAQS.

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

Statutory and Executive Order Review

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, 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 proposed action:

- Is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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).

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

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

Dated: August 3, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

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 Q—Iowa

■ 2. In § 52.820(e) the table is amended by adding new entries (40) and (41) in numerical order at the end of the table to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
*	* *		* *	* *
(40) Sections 110(a)(1) and (2) Infrastructure Requirements 2008 Lead NAAQS.	Statewide	11/4/2011	8/14/2015 [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.
(41) Section 128 Declaration: Conflicts of Interest Provisions;.	Statewide	5/1/15	8/14/2015 [Insert **Federal Register** citation].	
Constitution of the State of Iowa, Article 1, Section 2.				This action addresses the following sections of the Constitution of the State of Iowa, Article 1, section 2.
Iowa Code: 4.4.(5), 7E.4, Chapter 68B.				Iowa Code: 4.4.(5) 7E.4 Chapter 68B.
Iowa Administrative Code:.				Iowa Administrative Code:
351 IAC 6.11				351 IAC 6.11
351 IAC 6.14(2)				351 IAC 6.14(2)
351 IAC 6.19				351 IAC 6.19
351 IAC 7.1–7.2				351 IAC 7.1–7.2
567 IAC 1.11(1–9)				567 IAC 1.11(1–9).

* * * * *

[FR Doc. 2015–20029 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1990–0010; FRL–9932–36–Region 4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Redwing Carriers, Inc. (Saraland) Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete the Redwing Carriers, Inc. (Saraland) Superfund Site (Site) located in Mobile County, Alabama, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Alabama, through the Alabama Department of Environmental Management (ADEM), have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by September 14, 2015.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1990–0010, by mail to Shelby Johnston, Remedial Project Manager, Superfund Restoration and Sustainability Branch, Superfund Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Shelby Johnston, Remedial Project Manager, Superfund Restoration and Sustainability Branch, Superfund Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960, 404–562–8287, email: *johnston.shelby@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of this **Federal Register**, we are publishing a direct final Notice of Deletion of the Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the *Rules* section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: August 3, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–20016 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 670

[Docket No. FTA–2015–0009]

RIN 2132–AB22

Public Transportation Safety Program

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM); request for comments.

SUMMARY: The Federal Transit Administration seeks public comment on a proposed rule to establish a Public Transportation Safety Program to strengthen the safety of public transportation systems throughout the United States, based on the principles and practices of Safety Management Systems.

DATES: Comments must be received by October 13, 2015. Any comments filed after this deadline will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by Docket Number FTA–2015–0009 or RIN number 2132–AB22.

- *Federal Rulemaking Portal:* Submit electronic comments and other data to *http://www.regulations.gov*.
- *U.S. Mail:* Send comments to Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building, Ground Floor, at 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations, U.S. Department of Transportation, at (202) 493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket Number FTA–2015–0009 for this notice or RIN 2132–AB22, at the beginning of your comments. If sent by mail, submit two copies of your comments. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments should consider using an express mail form to ensure their prompt filing of any submissions not filed electronically or by hand. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may review U.S. DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477–8 or *http://DocketsInfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For program matters, contact Lynn Everett, Office of Transit Safety and Oversight, (202) 366–2410 or *lynn.everett@dot.gov*. For legal matters, contact Candace Key, Office of Chief Counsel, (202)366–1936 or *candace.key@dot.gov*.

Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

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I. Executive Summary

A. Purpose of Regulatory Action

Every day, millions of passengers take some form of public transportation to get to or from work, shopping, classes, or other destinations. While the safety performance of the public transportation industry remains strong, recent accidents, including several investigated by the National Transportation Safety Board (NTSB), have demonstrated weaknesses in the safety performance of critical systems, equipment, procedures, management systems and oversight.

In the Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141 (2012)), Congress directed FTA to establish a comprehensive Public Transportation Safety Program to strengthen the safety performance of the public transportation industry. 49 U.S.C. 5329. Today's NPRM carries out explicit statutory mandates to meet this objective. The proposed rule would adopt Safety Management Systems (SMS) as the basis for FTA's new Public Transportation Safety Program. To ensure consistency in the implementation of this new program, today's NPRM would establish the framework for the Secretary's authority, delegated to FTA Administrator,[1] to monitor, oversee, and enforce safety in the public transportation industry.

Today's NPRM also explains the relationship between the Public Transportation Safety Program and the National Public Transportation Safety Plan. The National Public Transportation Safety Plan (National Safety Plan) will be FTA's primary tool

[1] 49 CFR 1.91(a).

for communicating safety performance information and safety guidance to the public transportation industry. Although the National Safety Plan is not a rulemaking, it will be subject to public notice and comment.

B. Legal Authority

Under 49 U.S.C. 5329 (Section 5329), FTA is obliged to create a comprehensive program for safety in public transportation, comprised of a National Public Transportation Safety Plan; a training and certification program for Federal, State, and local transportation agency employees with safety oversight responsibilities; public transportation agency safety plans; a strengthened State Safety Oversight (SSO) program; and a new framework for Federal enforcement and investigative authorities to directly oversee the safety of the public transportation industry.

In addition, Section 5329 incorporates certain principles and tools associated with SMS into FTA's regulatory framework for public transportation safety. For example, Section 5329 establishes a performance management framework that includes: the use of safety performance criteria and safety targets to monitor program implementation and effectiveness; requirements for executives and boards to be accountable to hire qualified safety managers as direct reports and, annually, to certify safety plans; and requirements for comprehensive staff safety training programs. Also, Section 5329 calls for the collection of information on safety risk management methods and safety assurance strategies to minimize the exposure of the public, transit agency personnel, and property to safety hazards and unsafe conditions.

The statute also vests the Secretary of Transportation and his designee, the FTA Administrator, with explicit authorities to carry out the Public Transportation Safety Program and to take enforcement actions. For example, Section 5329(f) provides the Administrator with the authority to inspect and audit all public transportation systems; make reports and issue directives with respect to the safety of public transportation systems; issue subpoenas and take depositions; require the production of documents; prescribe recordkeeping and reporting requirements; investigate public transportation accidents and incidents; enter and inspect equipment, rolling stock, operations and relevant records; and issue regulations to carry out Section 5329. Section 5329(g) authorizes the Administrator to take enforcement actions against recipients that are noncompliant with Federal transit safety law. The Administrator may further issue directives, require more frequent oversight, impose more frequent reporting requirements, require that formula grant funds be spent to correct safety deficiencies before funds are spent on other projects, and withhold funds from a recipient.

C. Summary of Major Provisions

The proposed rule would add a new part 670, ''Public Transportation Safety Program,'' to title 49 of the Code of Federal Regulations. The proposed rule includes the following elements: (1) Formal adoption of SMS as the foundation for FTA's safety oversight and regulatory approach; (2) procedures under the Administrator's authority to conduct inspections, investigations, audits, examinations, testing of equipment, facilities, rolling stock and operations of a public transportation system; (3) procedures under the Administrator's authority to take appropriate enforcement actions, including directing the use or withholding of funds, and issuing directives and advisories; and (4) describes statutory and proposed contents of the National Safety Plan.

D. Costs and Benefits

The proposed rule outlines FTA's authority to inspect, investigate, audit, examine and test transit agencies' facilities, equipment, safety processes and events as and when needed, direct or withhold Federal transit funds, and issue directives and advisories. FTA does not believe that the proposed rule imposes additional costs to entities other than FTA. FTA believes that costs to recipients associated with FTA's aforementioned authorities are captured in the rulemakings for Public Transportation Agency Safety Plans, State Safety Oversight, and the Public Transportation Safety Certification Training Program. FTA seeks comment on the cost assumptions herein.

II. The Public Transportation Safety Program

A. Background

Historically, public transportation has been one of the safest means of transportation. Today, however, the transit industry is facing increased pressures at a time when ridership is growing, demand is increasing, infrastructure is aging, and large numbers of the workforce are retiring. Calendar year 2013 marked the highest ridership level for transit since 1956, with the number of trips exceeding 10 billion for the seventh year in a row—and there is reason to believe that this is the beginning of a sustained period of growing demand for public transportation.[2]

In recent years, the U.S. DOT, the U.S. Government Accountability Office (GAO), and FTA have conducted a number of studies, audits, and reviews highlighting these challenges and their potential impacts on safety and the reliability of public transportation operations. Most notably, in two different reviews,[3] the GAO has documented weaknesses in Federal authority, training, and funding for the State Safety Oversight (SSO) program. These limitations have impacted the ability of FTA and the State Safety Oversight Agencies (SSOA) to address the safety consequences of aging infrastructure, budgetary restrictions, and rapidly growing ridership on rail transit systems.

To help inform FTA in developing a strategic regulatory approach to implementing the new requirements of MAP–21, FTA issued an Advance Notice of Proposed Rulemaking (ANPRM), addressing new requirements for both transit asset management and safety. 78 FR 61251 (October 3, 2013).[4] The ANPRM sought comments on 123 questions related to FTA's initial ideas for how to implement the requirements of Sections 5326 and 5329, our understanding of the nexus between safety, transit asset management, and state of good repair, and FTA's initial concept for applying SMS to the transit industry. FTA will respond to the comments received on the ANPRM in the respective rulemakings for each topic and the National Public Transportation Safety Plan.

B. The Relationship Between Safety and Transit Asset Management

Since the mid-2000s, FTA safety studies and audits have documented how dramatically increasing ridership leads to greater operational and maintenance demands on public transportation systems which can have safety impacts, if not managed vigilantly. FTA's research has shown

[2] *2013 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance* available at *http://www.fhwa.dot.gov/policy/2013cpr/overviews.htm#2t.*

[3] The GAO report *Rail Transit: Observations on FTA's State Safety Oversight* Program and Potential Change in its Oversight Role, December 10, 2009 is available at *http://www.gao.gov/assets/130/123884.pdf.* The GAO Report *Public Transit: Federal and Transit Agencies Taking Steps to Build Transit Resilience, but Face Challenges*, December 10, 2014 is available at *http://www.gao.gov/assets/670/667391.pdf.*

[4] The ANPRM is available at *http://www.gpo.gov/fdsys/pkg/FR-2013-10-03/pdf/2013-23921.pdf.*).

that the safety and performance of a public transportation system depends, in part, on the condition of its assets. Insufficient funding combined with inadequate asset management practices have contributed to an estimated $85.9 billion transit state of good repair (SGR) backlog.[5] The public transportation industry does not have these funds currently available, nor can it address annual expenditures of over $2.5 billion required to prevent the SGR backlog from growing. As a result, many transit agencies are struggling to balance requirements for service with maintenance and safety.

It must be emphasized that, in enacting MAP–21, Congress recognized the critical relationship between safety and transit asset management.[6] We note, in particular, the congressional direction that the National Public Transportation Safety Plan include the definition of *state of good repair* set in the rulemaking for asset management (49 U.S.C. 5329(b)(2)(B)). Furthermore, pursuant to 49 U.S.C. 5329(d)(1)(E), transit agencies must set safety performance targets for state of good repair based on the state of good repair standards established under the National Public Transportation Safety Plan.

C. The State of Public Transportation Safety

The October 2013 ANPRM included a discussion of major findings and considerations resulting from several high-profile accidents. Since the publication of the ANPRM, there have been four additional public transportation safety accidents of particular note that continue to highlight the need for comprehensive Federal oversight of public transportation safety. Following is a brief overview of these accidents:

- On September 30, 2013, an unoccupied Chicago Transit Authority (CTA) train consisting of four cars collided with a CTA train in revenue service that was stopped at the Harlem Station on the Blue Line. There were approximately 40 passengers on the in-service CTA train. CTA reported that 33 passengers were transported to three local hospitals. There were no fatalities.
- Shortly after midnight on October 6, 2013, in a work zone on the Washington Metropolitan Area Transit Authority's Red Line underground track, contractors and WMATA employees were performing rail renewal, a process that involves removing old sections of rail, installing new sections of rail and related activity such as welding and grinding. A fire and loud noise occurred during flash butt welding operations. Workers using a handheld extinguisher put the fire out but the smoke forced an evacuation from the work zone. During the evacuation, a 40-foot piece of rail came loose from the equipment that was supporting it, and struck three evacuating workers, killing a contractor and seriously injuring two WMATA employees.
- On October 19, 2013, two Bay Area Rapid Transit (BART) workers were struck and killed by a train while inspecting track. This accident occurred during a strike when BART was not providing passenger service but non-revenue train movements were occurring on the system. According to the National Transportation Safety Board (NTSB),[7] at the time of the accident, a trainee was operating the BART train under the supervision of a training supervisor. The train was traveling at least 60 mph before the collision. The workers accessed the rail right-of-way (ROW) under a standard procedure known as ''simple approval,'' which required workers to notify BART's operations control center when they planned to work on or near the tracks. There were no other protections in place to safeguard the workers. As a result of preliminary findings from this investigation, the California Public Utilities Commission issued General Order 175, which contains new standards for Roadway Worker Protection programs at rail transit agencies in California.
- On January 12, 2015, a Washington Metropolitan Area Transit Authority (WMATA) Metrorail train stopped after encountering an accumulation of heavy smoke while traveling southbound in a tunnel between the L'Enfant Plaza Station and the Potomac River Bridge. After stopping, the rear car of the train was about 386 feet from the south end of the L'Enfant Plaza Station platform. A following train, stopped at the L'Enfant Plaza Station at about 3:25 p.m., was also affected by the heavy smoke. This train stopped about 100 feet short of the south end of the platform. Passengers on both trains, as well as passengers on the station platforms, were exposed to the heavy smoke. As a result of the smoke, 86 passengers were transported to local medical facilities for treatment. There was one passenger fatality. Initial reports suggest that electric arcing caused by the subpar condition of insulators within the Metrorail system may have contributed to the fire.

FTA has used its expanded authority at 49 U.S.C. 5329(f) to address some of the underlying causes of each of these incidents. For example, on October 4, 2013, FTA issued a safety advisory following the CTA unoccupied train incident, requesting that rail transit operators immediately review their operating practices and attend to the NTSB's recommendation to utilize redundant train stopping mechanisms such as wheel chocks and/or derails. In a second advisory, issued June 12, 2014, FTA alerted rail transit operators of the need to assess the adequacy of safe stopping distances for rail transit in emergency braking in terminal stations. The advisory also requested action from SSOAs designated to implement FTA's SSO program as specified by 49 CFR part 659 and 49 U.S.C. 5329(e).[8]

FTA issued another advisory in December 2013, following the WMATA and BART incidents that resulted in the deaths of ROW workers. As recommended by the NTSB, FTA Safety Advisory 14–1 requested that SSOAs (1) inventory the current practices of the rail transit operators that they oversaw and (2) conduct a hazard analysis on workers' access to the ROW and how the protections identified in the inventory addressed the consequences associated with each hazard. [9]

In addition, FTA partnered with CTA for a safety examination to support CTA in strengthening its safety programs and capabilities through the implementation of Safety Management Systems (SMS). The outcomes of this activity will be a roadmap for CTA SMS implementation and an enhanced safety profile throughout the agency.

More recently, following the WMATA incident of January 12, 2015, FTA became a party to the NTSB investigation into the causal factors contributing to the incident. Information collected through the investigation has revealed that factors contributing to the incident included equipment

[5] *2013 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance* available at *http://www.fhwa.dot.gov/policy/2013cpr/overviews.htm#2t.*

[6] For a thorough history of the events and circumstances leading to the enactment of the broad safety authority now vested in FTA through the enactment of MAP–21, readers should please review the preamble to FTA's Notice of Proposed Rulemaking for State Safety Oversight (SSO) issued on February 27, 2015. 80 FR 11002–30. The NPRM for State Safety Oversight also explains the context for FTA's introduction of Safety Management Systems to public transportation.

[7] NTSB Railroad Accident Brief ''Bay Area Rapid Transit Train 963 Struck Roadway Workers,'' April 13, 2015, available at *http://www.ntsb.gov/investigations/AccidentReports/Reports/RAB1503.pdf.*

[8] Both the NTSB recommendation and FTA's advisories are available on FTA's Web site here *http://www.fta.dot.gov/newsroom/12910_15703.html.*

[9] *Ibid.*

malfunctions, communications failures, and human factors, all of which consistently have been identified as the contributing factors to previous public transportation incidents.

Moreover, FTA used its new authority under 5329(f)(1) to conduct a Safety Management Inspection (SMI) of WMATA's transit system. The SMI involved the following components:

- An SMS gap analysis, including SMS training across several levels of WMATA;
- A rail safety inspection, whereby FTA conducted an evaluation of WMATA's rail operations and maintenance programs to acquire the safety information and data needed to support meaningful analysis of safety risks; and
- A bus safety assessment, conducted in a similar manner to the rail safety assessment.

At the conclusion of the inspection, on June 17, 2015, FTA issued an SMI Final Report which included findings and recommendations, as well as results of the SMS Gap Analysis, to assist WMATA in building a mature and effective SMS. FTA also issued both safety directive 15–1 requiring WMATA to address findings documented in FTA's Safety Management Inspection SMI report and safety advisory 15–1 to inform rail transit agencies of planned audits to be conducted by State Safety Oversight Agencies of the agencies' tunnels, emergency procedures, and compliance with industry standards for maintenance and emergency procedures.[10]

This NPRM will further define FTA's enforcement authority and provide the procedural framework to support it, including proposing due process mechanisms, where relevant.

D. The Safety Management Systems (SMS) Approach

FTA has adopted the principles and methods of SMS as the basis for the Public Transportation Safety Program. SMS is a management approach that ensures each public transportation agency, no matter its size or service environment, has the necessary organizational structures, accountabilities, activities and tools in place to direct and control resources to optimally manage safety. SMS is a formal, top-down, organization-wide approach to managing safety risks and assuring the effectiveness of safety risk mitigations.

Over the last decade, SMS has been used in space, chemical, aviation and other industries, both domestic and internationally, and by for-profit and non-profit transportation providers, large and small. Both the NTSB and the National Safety Council (NSC) endorse the principles and methods of SMS.[11] Moreover, other DOT modal administrations, including the Federal Aviation Administration and the Federal Railroad Administration, have incorporated or intend to incorporate SMS into their regulatory frameworks. Indeed, the NTSB characterizes SMS as a ''Most Wanted'' practice for public transportation, largely because of the inherent flexibility of SMS, and its proven effectiveness across a range of organizations that operate under different business models, in differing physical and financial environments.

SMS ensures that information is provided to transit agency management so that resources can be strategically allocated to manage safety risk in a timely manner. SMS establishes lines of safety accountability throughout an organization, starting at the executive management level, and provides a structure to support a sound safety culture. SMS enables agencies to address organizational deficiencies that may lead to safety issues or unidentified safety risks, identify system-wide trends in safety, and manage the potential consequences of hazards before they result in incidents or accidents.[12] FTA will propose requirements for the implementation of SMS at transit agencies as part of the NPRM developed to address Section 5329(d) requirements for Public Transportation Agency Safety Plans, which FTA plans to publish later this year.

E. Components of the Public Transportation Safety Program

The Public Transportation Safety Program, codified at 49 U.S.C. 5329, includes the following components: (1) The National Public Transportation Safety Plan, 49 U.S.C. 5329(b); (2) the Public Transportation Safety Certification Training Program, 49 U.S.C. 5329(b)(1)(D) and 5329(c); (3) the Public Transportation Agency Safety Plan, 49 U.S.C. 5329(d); (4) the State Safety Oversight (SSO) Program, 49 U.S.C. 5329(e); (5) the Authority of the Secretary, 49 U.S.C. 5329(f); and (6) Enforcement Actions, 49 U.S.C. 5329(g). FTA is issuing separate rules for the Public Transportation Safety Certification Training Program, the Public Transportation Agency Safety Plan, and the SSO Program, and is also issuing a proposed National Public Transportation Safety Plan.

In addition, FTA will soon issue a Transit Asset Management NPRM and an update to the Statewide and Metropolitan Planning regulations[13] that require consideration of transit safety performance criteria. Safety performance criteria and standards developed to address 49 U.S.C. 5329 requirements will be incorporated in the National Public Transportation Safety Plan, and must be considered during the transportation investment decision-making process.

This NPRM for the Public Transportation Safety Program would establish a regulatory, enforcement, and programmatic framework to ensure consistency across these disparate, yet interrelated rules and requirements. To that end, the Public Transportation Safety Program proposes to formally adopt the principles and methods of SMS across all Section 5329 safety programs. This NPRM also outlines FTA's authorities to conduct reviews, audits, investigations, examinations, inspections and testing, and to issue findings and directives which would require specific corrective action from a single public transportation agency, a select group of recipients, or from all recipients. In the event corrective actions required by FTA are not implemented, Section 5329 provides FTA with a set of options for withholding or re-directing Federal funds, requiring additional oversight and monitoring, or partnering with the State or SSO agency to conduct further investigations or inspection. The NPRM proposes to adopt mechanisms to ensure that recipients that may be impacted by an FTA enforcement action are afforded sufficient due process, where relevant.

This proposed rule also describes statutorily required and proposed contents of the National Safety Plan. The National Safety Plan will be FTA's primary tool for communicating with the transit industry about its safety performance. The National Safety Plan would serve as a critical linchpin, connecting FTA's regulatory programs, enforcement and rulemaking priorities, and safety performance measurement

[10] For more information on FTA's Safety Management Inspection and report, safety directive 15–1, and safety advisory 15–1 please visit FTA's Web site at *http://www.fta.dot.gov/tso_16476.html.*

[11] See, for example, the NTSB document at *http://www.ntsb.gov/safety/mwl-3.html* and the NSC documents at *http://www.nsc.org/get_involved/disvisions/Documents/SMS%20Policy-PostionStment%20final%20-%20Formatted.pdf.*

[12] FTA's SMS Web site, available at *http://www.fta.dot.gov/tso_15176.html,* provides additional detail regarding FTA's proposed SMS framework.

[13] The Joint Planning NPRM was published in the **Federal Register** on June 2, 2014 and is available on FTA's Web site at *http://www.gpo.gov/fdsys/pkg/FR-2014-06-02/pdf/2014-12155.pdf.*

and monitoring activities. The National Safety Plan would establish, communicate, and align public transportation safety priorities based on analysis of available safety information, recommendations from the NTSB, and regulatory and enforcement areas of focus. FTA would use the National Safety Plan to set national criteria for safety performance, to communicate mitigation strategies to the public transportation industry and State safety oversight agencies, and to provide guidance, technical assistance and other tools.

FTA intends for the National Safety Plan to be updated periodically to reflect new safety-related research and information, communicate best practices and emerging safety standards as they become available, and identify areas of focus for rulemaking and enforcement. FTA would use each plan update to report on the status of the public transportation industry towards meeting the national safety performance targets, and the transit industry's progress toward building SMS practices and improving safety outcomes.

III. Benefit-Cost Analysis

The proposed rule outlines FTA's authority to inspect, investigate, audit, exam and test transit agencies' facilities, equipment, safety processes and events as and when needed, direct or withhold Federal transit funds, and issue directives and advisories. The proposed rule does not include any uncounted costs. Costs associated with FTA's aforementioned authorities are captured in the rulemakings for Public Transportation Agency Safety Plans, State Safety Oversight, and the Public Transportation Safety Certification Training Program.

IV. Section-by-Section Analysis

FTA is proposing to amend chapter 49 of the Code of Federal Regulations by adding a new part 670 establishing a Public Transportation Safety Program. The following is a section-by-section analysis of each proposal in this rulemaking.

670.1 Purpose and Applicability

This section proposes that the purpose of these regulations would be to establish a Public Transportation Safety Program. This part applies to all recipients of Federal transit funds.

670.3 Policy

This section proposes the formal adoption of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. This section proposes that all aspects of the Public Transportation Safety Program administered under FTA's safety authority would follow the principles and methods of SMS.

670.5 Definitions

This section includes proposed definitions for terms that would be applicable to the Public Transportation Safety Program, including: advisory, audit, corrective action plan, directive, examination, inspection, investigation, National Public Transportation Safety Plan, pattern or practice, recipient, record, Safety Management System, and State Safety Oversight Agency.

670.11 Inspections, Investigations, Audits, Examinations, and Testing

This section sets forth FTA's statutory authority to conduct inspections, investigations, audits, examinations, and testing. This section proposes procedures for notifying a recipient or State of FTA's intent to engage in any of these activities, including information requested and the reason for the request. This section also proposes to establish the timeframe for response to such a request.

This section proposes that the Administrator, upon written notice, and within a reasonable time and manner as determined by the Administrator, may enter the premises occupied by a recipient and inspect and test a recipient's equipment, facilities, rolling stock, operations, and relevant records. FTA seeks comment on how it should define ''reasonable time'' and ''reasonable manner'' for the purpose of entering and inspecting equipment, facilities, rolling stock, operations and relevant records.

670.13 Request for Confidential Treatment

This section proposes procedures for a recipient or State to seek confidential treatment of records obtained during the course of activities under section 670.21. This section governs the procedures for requesting confidential treatment of any record filed with or otherwise provided to FTA in connection with its enforcement of statutes or regulations related to safety in public transportation.

670.21 General

This section would set forth the Administrator's enforcement authority.

670.23 Use or Withholding of Funds

This section proposes procedures for FTA to direct the use of Chapter 53 funds where deficiencies are identified by the Administrator or a State Safety Oversight Agency. This section also proposes procedures for withholding of Chapter 53 funds from a recipient or State for non-compliance where the Administrator determines that there has been a pattern or practice of serious violations of the Public Transportation Safety Program and any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety.

670.25 General Directives

This section proposes procedures for the issuance of a general directive by the Administrator. Pursuant to 49 U.S.C. 5329(f)(2), the Secretary may ''issue directives with respect to the safety of the public transportation system of a recipient.'' FTA has interpreted this authority to include directives issued to all or a subset of the transit industry.

As a general matter, use of the singular includes the plural. *See e.g.,* the Dictionary Act, 1 U.S.C. 1 (''unless the context indicates otherwise . . . words importing the singular include and apply to several persons, parties, or things; words importing the plural include the singular''). In addition, FTA's interpretation is consistent with the purpose of section 5329 to improve the safety of the entire public transportation industry. Furthermore, the legislative history of section 5329 supports this reading. The Senate report accompanying the Public Transportation Safety Act of 2010 (S. 3638, 111th Cong. (2010)), which laid the foundation for the general safety and State Safety Oversight provisions eventually enacted under MAP–21, states: ''Subsection (f) provides the Secretary with the authority . . . to make reports and issue directives with respect to the safety of public transportation systems.'' [14]

Accordingly, as proposed, FTA could issue a general directive that applied to all recipients or a subset of recipients and the directive would be effective upon notice provided by the Administrator in the **Federal Register**. For example, both a general directive that applied to all Chapter 53 recipients and a general directive that applied to all recipients that operate rail fixed guideway public transportation systems would be published in the **Federal Register**. A general directive would be subject to a public comment period. Following the public notice and comment period, FTA would publish a response to the comments in the **Federal Register**. The response also

[14] S. Rept. 111–232; 111th Cong. 2nd Sess. (2010) available at *https://www.congress.gov/111/crpt/srpt232/CRPT-111srpt232.pdf.*

would include a final iteration of the general directive. Note also that the use of general directives would be generally limited to circumstances where there is an ''emergency situation,'' in contrast to the use of special directives issued to specific named recipients.

670.27 Special Directives

This section proposes that the Administrator provide direct notice to a named recipient for a special directive that is not generally applicable, but only applies to one or more named recipients. A special directive issued to a named recipient would be based on particular facts unique to the recipient. A named recipient would have an opportunity to petition the Administrator for review of the directive. The Chief Counsel of FTA would either grant or deny a petition, in whole or in part.

670.29 Advisories

This section proposes that the Administrator may issue advisories which may recommend corrective actions, inspections, conditions, limitations, or other actions to resolve or mitigate an unsafe condition.

670.31 Purpose and Content of the National Public Transportation Safety Plan

This section describes the statutory and proposed components of the National Public Transportation Safety Plan, which FTA will revise periodically. The statutory components include the definition of state of good repair established under FTA's transit asset management rule, the Public Transportation Safety Certification Training Program established through rulemaking, safety performance criteria for all modes of public transportation, and minimum safety performance standards for vehicles used in revenue operations not otherwise regulated by another Federal agency.

V. Regulatory Analyses and Notices

Executive Order 12866 and 13563; USDOT Regulatory Policies and Procedures

Executive Orders 12866 and 13563 direct Federal 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. Also, Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. FTA is also required under 49 U.S.C. 5329(h) to take into consideration the costs and benefits of each action the Secretary proposes to take under section 5329. As stated in section I.D. above, FTA believes this proposed rule does not impose costs on entities other than FTA.

FTA has determined this rulemaking is a nonsignificant regulatory action within the meaning of Executive Order 12866 and is nonsignificant within the meaning of the U.S. Department of Transportation's regulatory policies and procedures. FTA has determined that this rulemaking is not economically significant. The proposals set forth in this NPRM will not result in an effect on the economy of $100 million or more. The proposals set forth in the NPRM will not adversely affect the economy, interfere with actions taken or planned by other agencies, or generally alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601–612), FTA has evaluated the likely effects of the proposals set forth in this NPRM on small entities, and has determined that they will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed rulemaking would not impose unfunded mandates as defined by the Unfunded Mandates Reform act of 1995 (Pub. L. 104–4; 109 Stat. 48).

Executive Order 13132 (Federalism)

This proposed rulemaking has been analyzed in accordance with the principles and criteria established by Executive Order 13132, and FTA has determined that the proposed action would not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. FTA has also determined that this proposed action would not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions. Moreover, consistent with Executive Order 13132, FTA has examined the direct compliance costs of the NPRM on State and local governments and has determined that the collection and analysis of the data are eligible for Federal funding under FTA's grant programs.

Executive Order 12372 (Intergovernmental Review)

The regulations effectuating Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed rulemaking.

Paperwork Reduction Act (PRA)

This rulemaking will not impose additional collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.;* ''PRA'') and the OMB regulation at 5 CFR 1320.8(d). To the extent that there are any costs and burdens associated with any collections under this rule, the information collection will be incorporated into the requests for the rulemakings for Public Transportation Agency Safety Plans, State Safety Oversight, and the Safety Certification Training Program.

National Environmental Policy Act

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) requires Federal agencies to analyze the potential environmental effects of their proposed actions in the form of a categorical exclusion, environmental assessment, or environmental impact statement. This proposed rulemaking is categorically excluded under FTA's environmental impact procedure at 23 CFR 771.117(c)(20), pertaining to planning and administrative activities that do not involve or lead directly to construction, such as the promulgation of rules, regulations, and directives. FTA has determined that no unusual circumstances exist in this instance, and that a categorical exclusion is appropriate for this rulemaking.

Executive Order 12630 (Taking of Private Property)

This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (March 15, 1998), Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations)

Executive Order 12898 (February 8, 1994) directs every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations. The USDOT environmental justice initiatives accomplish this goal by involving the potentially affected public in developing transportation projects that fit harmoniously within their communities without compromising safety or mobility. Additionally, FTA

has issued a program circular addressing environmental justice in public transportation, C 4703.1, ''Environmental Justice Policy Guidance for Federal Transit Administration Recipients.'' This circular provides a framework for FTA grantees as they integrate principles of environmental justice into their transit decision-making processes. The Circular includes recommendations for State Departments of Transportation, Metropolitan Planning Organizations, and public transportation systems on how to: (1) To fully engage environmental justice populations in the transportation decision-making process; (2) determine whether environmental justice populations would be subjected to disproportionately high and adverse human health or environmental effects of a public transportation project, policy, or activity; and (3) avoid, minimize, or mitigate these effects.

Executive Order 12988 (Civil Justice Reform)

This action meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (February 5, 1996), Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

FTA has analyzed this proposed rulemaking under Executive Order 13045 (April 21, 1997), Protection of Children from Environmental Health Risks and Safety Risks. FTA certifies that this proposed rule will not cause an environmental risk to health or safety that may disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

FTA has analyzed this action under Executive Order 13175 (Nov. 6, 2000), and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FTA has analyzed this proposed rulemaking under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). FTA has determined that this action is not a significant energy action under the Executive Order, given that the action is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not requirement.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of FTA's dockets by the name of the individual submitting the comment or signing the comment if submitted on behalf of an association, business, labor union, or any other entity. You may review USDOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477–8.

Statutory/Legal Authority for This Rulemaking

This rulemaking is issued under the authority of Section 20021 of MAP–21, which authorizes the Secretary to issue rules to carry out the mandate for a Public Transportation Safety Program at 49 U.S.C. 5329. The authority is codified at 49 U.S.C. 5329(f)(7).

Regulation Identification Number

A Regulation Identification Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN set forth in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 670

Public transportation, Safety.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

Matthew J. Welbes,

Executive Director.

For the reasons set forth in the preamble, and under the authority of 49 U.S.C. 5329(f), and the delegations of authority at 49 CFR 1.91, FTA hereby proposes to amend chapter VI of title 49, Code of Federal Regulations by adding part 670 as set forth below:

PART 670—PUBLIC TRANSPORTATION SAFETY PROGRAM

Subpart A—General Provisions

Sec.
670.1 Purpose and applicability.
670.3 Policy.
670.5 Definitions.

Subpart B—Compliance Assessments

670.11 Inspections, investigations, audits, examinations, and testing.
670.13 Request for confidential treatment of records.

Subpart C—Enforcement

670.21 General.
670.23 Use or withholding of funds.
670.25 General directives.
670.27 Special directives.
670.29 Advisories.

Subpart D—National Public Transportation Safety Plan

670.31 Purpose and contents of the national public transportation safety plan.

Subpart A—General Provisions

§ 670.1 Purpose and applicability.

This part carries out the mandate of 49 U.S.C. 5329 to improve the safety of public transportation systems. This part applies to recipients of Federal transit funds.

§ 670.3 Policy.

The Federal Transit Administration (FTA) has adopted the principles and methods of Safety Management Systems (SMS) as the basis for enhancing the safety of public transportation in the United States. All rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329 will follow the principles and methods of SMS.

§ 670.5 Definitions.

As used in this part:

Accountable Executive means a single, identifiable person who has ultimate responsibility for carrying out the Safety Management System of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Administrator means the Federal Transit Administrator or his or her designee.

Advisory means a notice from FTA to recipients regarding an existing or potential hazard or risk in public transportation that recommends recipients take a particular action to mitigate the hazard or risk.

Audit means an examination of records and related materials, including, but not limited to, those related to financial accounts.

Corrective action plan means a plan developed by a recipient that describes the actions the recipient will take to minimize, control, correct, or eliminate risks and hazards, and the schedule for taking those actions. Either a State

Safety Oversight Agency or FTA may require a recipient to develop and carry out a corrective action plan.

Directive means a formal written communication from FTA to one or more recipients which orders a recipient to take specific actions to ensure the safety of a public transportation system.

Examination means a process for gathering facts or information, or an analysis of facts or information previously collected.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Inspection means a process for gathering facts or information, or an analysis of facts or information previously collected. At the conclusion of an inspection, FTA may issue findings and recommendations.

Investigation means the process of determining the causal and contributing factors of an event for the purpose of mitigating safety risk or preventing recurrence.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53, and authorized at 49 U.S.C. 5329.

Pattern or practice means two or more findings by FTA of a recipient's noncompliance with the requirements of 49 U.S.C. 5329 and the regulations thereunder.

Recipient means an entity that receives Federal financial assistance under Chapter 53.

Record means any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved. The term ''record'' also includes any such documentary material stored electronically.

Safety Management System (SMS) means the formal, top-down, organization-wide data-driven approach to managing safety risk and assuring the effectiveness of safety risk mitigations. SMS includes policies, procedures, and practices for the management of safety risk.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands, or a State agency.

State Safety Oversight Agency (SSOA) means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations codified at 49 CFR part 674.

Testing means an assessment of equipment, facilities, rolling stock, and operations of a recipient's public transportation system.

Subpart B—Compliance Assessments

§ 670.11 Inspections, investigations, audits, examinations, and testing.

(a) The Administrator may conduct investigations, inspections, audits, and examinations, and test the equipment, facilities, rolling stock, and operations of public transportation systems operated by a recipient.

(b) In carrying out this section—

(1) The Administrator may require the production of relevant documents and records, take evidence, issue subpoenas and depositions, and prescribe recordkeeping and reporting requirements.

(2) The Administrator will provide the recipient with written notice that includes the information requested and the reasons for each request.

(3) Within thirty (30) days of service of a notice, a recipient shall comply with the Administrator's request or provide a written explanation for any delay or failure to provide the requested information.

(4) Upon written notice, and within a reasonable time and manner as determined by the Administrator, the Administrator may enter the premises occupied by a recipient and inspect and test a recipient's equipment, facilities, rolling stock, operations, and relevant records.

§ 670.13 Request for confidential treatment of records.

(a) The Administrator may grant a recipient's request for confidential treatment of records on the basis that the records are—

(1) Exempt from the mandatory disclosure requirements of the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt from public disclosure.

(b) Any record containing information for which confidential treatment is requested must be submitted with the request for confidential treatment. The request must include a statement justifying nondisclosure and provide the specific legal basis upon which the request for nondisclosure should be granted.

(c) Any record containing any information for which confidential treatment is requested must be marked ''CONFIDENTIAL'' or ''CONTAINS CONFIDENTIAL INFORMATION'' in bold letters.

(d) The accompanying statement of justification must indicate whether confidentiality is requested as to the entire record, or whether nonconfidential information in the record cannot be reasonably segregated from confidential information.

(1) If confidentiality is requested as to only a portion of the record, the person filing the record must file a copy of the record and a second copy of the document where the purportedly confidential information has been redacted.

(2) If the person filing a record, of which only a portion is requested to be held in confidence, does not submit a second copy of the record with the confidential information redacted at the time he or she files the record, the Administrator may assume there is no objection to public disclosure of the record in its entirety.

(e) The Administrator retains the right to make his or her own determination with regard to any request for confidentiality. Notice of a decision by the Administrator to deny a request, in whole or in part, and an opportunity to respond will be given to a person requesting confidential treatment of information no less than five (5) days prior to its public disclosure.

Subpart C—Enforcement

§ 670.21 General.

In exercising authority under this part, the Administrator may—

(a) Require more frequent oversight of a recipient by a State Safety Oversight Agency (SSOA) that has jurisdiction over the recipient;

(b) Impose requirements for more frequent reporting by a recipient;

(c) Require that a recipient expend Federal financial assistance for correcting safety deficiencies identified by the Administrator or an SSOA, if the Administrator finds a recipient is or has been engaged in a pattern or practice of serious safety violations or refused to comply with the requirements of this part or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety;

(d) Order a recipient to develop and carry out a corrective action plan;

(e) Withhold Federal financial assistance in whole or in part as deemed appropriate by the Administrator, upon notice in accordance with section 670.23 of this part; and

(f) Make reports and issue safety directives and safety advisories.

§ 670.23 Use or withholding of funds.

(a) *Use of funds.* The Administrator may require a recipient to use Chapter 53 funds to correct safety deficiencies

identified by the Administrator or an SSOA before such funds are used for any other purpose.

(b) *Withholding of funds.* The Administrator may withhold funds from a recipient when the Administrator has evidence that the recipient has engaged in a pattern or practice of conduct in violation of the Public Transportation Safety Program or any regulation or directive issued under those laws for which the Administrator exercises enforcement authority for safety.

(1) *Notice.* The Administrator will issue a notice of violation and the amount proposed to be withheld at least ninety (90) days prior to the date from when the funds will be withheld. The notice must contain—

(i) A statement of the legal authority for issuance;

(ii) A statement of the regulatory provision(s) or directive(s) the recipient or State is believed to have violated;

(iii) A statement of the factual allegations upon which the remedial action is being sought; and

(iv) A statement of the remedial action sought to correct the deficiency.

(2) *Reply.* Within thirty (30) days of service of a notice of violation, a recipient may file a written reply with the Administrator. Upon written request, the Administrator may extend the time for filing for good cause shown. The reply must be in writing, and signed by the Accountable Executive or equivalent entity. A written response may include an explanation for the alleged violation, provide relevant information or materials in response to the alleged violation or in mitigation thereof, or recommend alternative means of compliance for consideration by the Administrator.

(3) *Decision.* Within thirty (30) days of receipt of a reply from a named recipient, the Administrator will issue a written reply to a recipient. The Administrator may consider the recipient's response, pursuant to paragraph (b)(2) of this section, in determining whether to dismiss the notice of violation in whole or in part. If the notice of violation is not dismissed, the Administrator may undertake any other enforcement action he or she deems appropriate, including withholding funds as stated in the notice of violation.

§ 670.25 General directives.

(a) *General.* The Administrator may issue a general directive under this part that is applicable to all recipients or a subset of recipients, for either of the following reasons—

(1) The Administrator determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, damage to property or equipment, or significant harm to the environment; or

(2) For any other purpose where the Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.

(b) *Effective date.* A general directive is effective upon notice provided by the Administrator under paragraph (c) of this section.

(c) *Notice.* The Administrator will provide notice to recipients of a general directive in the **Federal Register**. The notice will include, at minimum—

(1) A reference to the authority under which the directive is being issued;

(2) A statement of the purpose of the issuance of the directive, including a description of the subjects or issues involved and a statement of the remedial actions sought; and

(3) A statement of the time within which written comments must be received.

(d) *Consideration of comments received.* The Administrator will consider all timely comments received. Late filed comments will be considered to the extent practicable.

(e) *Final notice.* After consideration of timely comments received, the Administrator will publish a notice in the **Federal Register** that includes both a response to comments and a final general directive or statement rescinding, revoking, or suspending the directive. A final general directive may reaffirm or modify a general directive subsection, in whole or in part.

§ 670.27 Special directives.

(a) *General.* The Administrator may issue a special directive under this part to one or more named recipients for any of the following reasons—

(1) The Administrator has reason to believe that a recipient is engaging in conduct, or there is evidence of a pattern or practice of a recipient's conduct, in violation of any statute, regulation, or directive issued under those laws for which the Administrator exercise enforcement authority for safety;

(2) The Administrator determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, damage to property or equipment, or significant harm to the environment; or

(3) For any other purpose where the Administrator determines that the public interest requires the avoidance or mitigation of a hazard or risk through immediate compliance.

(b) *Effective date.* A special directive is effective upon notice provided by the Administrator under paragraph (c) of this section.

(c) *Notice.* The Administrator will provide personal notice directly to a named recipient. The Administrator may initially provide notice through telephone or electronic communications; however, written notice must be served by personal service or by U.S. mail following a telephonic or electronic communication. Personal notice must contain the following information, at minimum—

(1) The name of the recipient or recipients to which the directive applies;

(2) A reference to the authority under which the directive is being issued; and

(3) A statement of the purpose of the issuance of the directive including a description of the subjects or issues involved, a statement of facts upon which the notice is being issued, and statement of the remedial actions sought.

(d) *Petition for reconsideration.* Within thirty (30) days of service of a notice issued under subsection (c) of this section, a named recipient may file a petition for reconsideration with the Administrator. Upon written request, the Administrator may extend the time for filing for good cause shown. Unless explicitly stayed or modified by the Administrator, a special directive will remain in effect and must be observed pending review of a petition for reconsideration. Any such petition:

(1) Must be in writing and signed by the recipient's Accountable Executive or equivalent entity;

(2) Must include a brief explanation as to why the recipient believes the special directive should not apply to it or why compliance with a special directive is not possible, is not practicable, is unreasonable, or is not in the public interest; and

(3) May include relevant information regarding the factual basis upon which the directive was issued, information in response to any alleged violation or in mitigation thereof, recommend alternative means of compliance for consideration, and any other information deemed appropriate by the recipient.

(e) *Filing a petition for reconsideration.* A petition must be submitted to the Office of Chief Counsel, Federal Transit Administration, using one of the following methods—

(1) Email to FTA at *XXX@.dot.gov*;
(2) Facsimile to FTA at 202–366–3809; or
(3) Mail to FTA at: FTA, Office of Chief Counsel, 1200 New Jersey Ave. SE., Washington, DC 20590.

(f) *Processing of petitions for reconsideration.*

(1) *General.* Each petition received under this section will be reviewed and disposed of by the Chief Counsel no later than ninety days (90) after receipt of a petition. No hearing, argument or other proceeding is held directly on a petition before its disposition under this section.

(2) *Grants.* If the Chief Counsel determines that the petition contains adequate justification, he or she may grant the petition, in whole or in part.

(3) *Denials.* If the Chief Counsel determines that the petition does not justify modifying, rescinding, or revoking the petition, in whole or in part, he or she may deny the petition.

(4) *Notification.* Upon determination by the Chief Counsel, the Office of Chief Counsel will issue notification to a named recipient of his or her decision.

(g) Judicial Review. A recipient may seek judicial review in an appropriate United States District Court of a final action of the Administrator under this section as provided in 5 U.S.C. 701 through706.

§ 670.29 Advisories.

(a) The Administrator may issue an advisory to one or more recipients, upon determining that an unsafe condition exists within a public transportation system, which recommends corrective actions, inspections, conditions, limitations, or other actions to resolve or mitigate the unsafe condition. The Administrator will issue notice to recipients of an advisory in the **Federal Register**.

(b) The Administrator may take into consideration a recipient's or State's failure to follow the recommendations contained within an advisory when deciding whether to take other enforcement actions.

Subpart D—National Public Transportation Safety Plan

§ 670.31 Purpose and contents of the national public transportation safety plan.

Periodically, FTA will issue a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. Chapter 53. The National Public Transportation Safety Plan will be comprised of the following:

(a) Safety performance criteria for all modes of public transportation, established through public notice-and-comment;

(b) The definition of State of Good Repair established in accordance with 49 U.S.C. 5326 and the rules at 49 CFR part 625;

(c) Minimum safety performance standards for vehicles in revenue operations, established through public notice-and-comment;

(d) The Public Transportation Safety Certification Training Program established in accordance with 49 U.S.C. 5329(c) and the rules at 49 CFR part 672;

(e) Safety advisories, directives, and reports issued in accordance with 49 U.S.C. 5329(f) and this part;

(f) Best practices, technical assistance, and pilot programs in carrying out Safety Management Systems in public transportation;

(g) Research, reports, data and information on hazard identification and risk management in public transportation, and guidance regarding the prevention of accidents and incidents in public transportation; and

(h) Any other content as determined by FTA.

[FR Doc. 2015–20021 Filed 8–13–15; 8:45 am]
BILLING CODE P

Notices

Federal Register
Vol. 80, No. 157
Friday, August 14, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oklahoma Advisory Committee for a Meeting To Prepare for the September 11 Meeting Regarding the School to Prison Pipeline in Oklahoma

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Oklahoma Advisory Committee (Committee) will hold a meeting on Wednesday, September 9, 2015, at 1:30 p.m. CST for the purpose of preparing questions for presenters at the September 11, 2015, meeting on the school to prison pipeline in Oklahoma. The Committee approved a project proposal on the topic at its March 27, 2015, meeting.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–329–8893, conference ID: 6962657. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement at the end of the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by October 9, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=269* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Vicki Limas, Chair
Discussion on preparation for meeting on School to Prison Pipeline in Oklahoma
Oklahoma Advisory Committee
Open Comment
Adjournment

DATES: The meeting will be held on Wednesday, September 9, 2015, at 1:30 p.m.

Public Call Information

Dial: 888–329–8893
Conference ID: 6962657

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov*.

Dated: August 11, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–20043 Filed 8–13–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Advisory Committees Expiration

AGENCY: United States Commission on Civil Rights.

ACTION: Solicitation of applications.

SUMMARY: Because the terms of the members of the Georgia Advisory Committee are expiring on December 12, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Georgia Advisory Committee, and applicants must be residents of Georgia to be considered. Letters of interest must be received by the Southern Regional Office of the U.S. Commission on Civil Rights no later than October 12, 2015. Letters of interest must be sent to the address listed below.

Because the terms of the members of the North Dakota Advisory Committee are expiring on December 12, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the North Dakota Advisory Committee, and applicants must be residents of North Dakota to be considered. Letters of interest must be received by the Rock Mountain Regional Office of the U.S. Commission on Civil Rights no later than October 12, 2015. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Delaware Advisory Committee are expiring on December 12, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Delaware Advisory Committee, and applicants must be residents of Delaware to be considered. Letters of interest must be received by the Eastern Regional Office of the U.S. Commission on Civil Rights no later than October 12, 2015. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Georgia Advisory Committee should be received no later than October 12, 2015.

Letters of interest for membership on the North Dakota Advisory Committee should be received no later than October 12, 2015.

Letters of interest for membership on the Delaware Advisory Committee

should be received no later than October 12, 2015.

ADDRESSES: Send letters of interest for the Georgia Advisory Committee to: U.S. Commission on Civil Rights, Southern Regional Office, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. Letter can also be sent via email to *jhinton@usccr.gov.*

Send letters of interest for the North Dakota Advisory Committee to: U.S. Commission on Civil Rights, Rocky Mountain Regional Office, 999 18th Street NW., Suite 1380, Denver, CO 80294. Letter can also be sent via email to *mcraft@usccr.gov.*

Send letters of interest for the Delaware Advisory Committee to: U.S. Commission on Civil Rights, Eastern Regional Office, 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425. Letter can also be sent via email to *ero@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Georgia, North Dakota, and Delaware Advisory Committees are statutorily mandated federal advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the advisory committees, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. Advisory committees also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

Each advisory committee consists of not more than 19 members, each of whom will serve a four-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on an advisory committee, applicants must be residents of the respective state or district, and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- study and collect information about discrimination or denials of equal protection under the law,
- appraise federal civil rights laws and policies,
- serve as a national clearinghouse on discrimination laws,
- submit reports and findings and recommendations to the President and the Congress, and
- issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Georgia, North Dakota, or Delaware Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated: August 11, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–20042 Filed 8–13–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Quarterly Services Survey.

OMB Control Number: 0607–0907.

Form Number(s): QSS–0A, QSS–0E, QSS–1A, QSS–1E, QSS–1PA, QSS–1PE, QSS–2A, QSS–2E, QSS–3A, QSS–3E, QSS–3SA, QSS–3SE, QSS–5A, QSS–5E, QSS–6A, QSS–6E, QSS–7A, QSS–7E, QSS–8A, QSS–8E, QSS–9A, QSS–9E, QSS–4A, QSS–4E, QSS–4SA, QSS–4SE, QSS4fA, QSS4fE.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 23,500.

Average Hours per Response: 13.34 minutes.

Burden Hours: 20,900.

Needs and Uses: As far back as the 1980s, there was a realization that despite its growing importance and share of Gross Domestic Product (GDP), the service economy was not adequately covered by the existing federal statistics programs. Before the Quarterly Services Survey (QSS) economic indicator existed for the service sector, the only data available were from the Service Annual Survey (SAS) and the five-year Economic Censuses. The decision was made to expand the scope of the Census Bureau's existing annual survey and to create a new principal economic indicator to cover services. Based on this effort, the QSS is now a major source for the development of quarterly GDP and an indicator of short-term economic change.

With the first release of the QSS in 2004, it became the first new U.S. federal government economic indicator in 30 years. The initial scope of the QSS was driven primarily by the Bureau of Economic Analysis (BEA) priorities and what the budget initiative would allow. The goal was to begin covering the most dynamic sectors of the service economy for which BEA had little to no alternate source data. In the wake of the dot-com bubble in the early 2000s, it was clear that information services and high-tech industries needed to be a priority as BEA experienced major revisions to their GDP estimates as annual data came in later. So, at the time it was launched, QSS produced estimates for just 3 North American Industry Classification System (NAICS) sectors (51, 54, and 56) representing roughly 15% of GDP.

Shortly after the Financial Crisis in 2007–2008, QSS received approval to expand the scope of the survey to match that of the Economic Census of Services. A major part of this expansion would provide for tracking of the Financial sector which, of course, was now in the spotlight. Between 2009 and 2010, QSS underwent a multi-phased expansion, increasing the total coverage from 3 to 11 NAICS sectors which together account for over 50 percent of GDP.

QSS expanded yet again in 2012 to cover the Accommodation subsector which was the only remaining service industry with no sub-annual coverage.

We currently publish estimates based on the 2007 NAICS. The QSS covers all or parts of the following NAICS sectors: Utilities (excluding government owned); Transportation and warehousing (except rail transportation and postal) services; Information; Finance and insurance (except funds, trusts, and other financial vehicles); Real estate and rental and leasing; Professional, scientific, and technical services; Administrative and support and waste management and remediation services; Educational services (except elementary and secondary schools, junior colleges, and colleges, universities, and professional schools); Health care and social assistance; Arts, entertainment, and recreation; Accommodation; and Other services (except public administration). The QSS provides the most current reliable measures of total revenue and

percentage of revenue by class of customer (for selected industries) on a quarterly basis. In addition, the QSS provides the only current quarterly measure of total expenses from tax-exempt firms in industries that have a large not-for-profit component. All respondent data are received by mail, facsimile, telephone, or Internet reporting.

The total revenue estimates produced from the QSS provide current trends of economic activity in the service industry in the United States from service providers with paid employees.

In addition to revenue, we also collect total expenses from tax-exempt firms in industries that have a large not-for-profit component. Expenses provide a better measure of the economic activity of these firms. Expense estimates produced by the QSS, in addition to inpatient days and discharges for the hospital industry, are used by the Centers for Medicare and Medicaid Services (CMS) to project and study hospital regulation, Medicare payment adequacy, and other related projects. For select industries in the Arts, entertainment, and recreation sector, the survey produces estimates of admissions revenue.

We will continue to publish no later than 75 days after the end of each calendar quarter.

Reliable measures of economic activity are essential to an objective assessment of the need for, and impact of, a wide range of public policy decisions. The QSS supports these measures by providing the latest estimates of service industry output on a quarterly basis.

Currently, the U.S. Census Bureau collects, tabulates, and publishes estimates to provide, with measurable reliability, statistics on domestic service total revenue, total expenses, and percentage of revenue by class of customer for select service providers. In addition, the QSS produces estimates for inpatient days and discharges for hospitals. In the future, QSS may produce breakdowns of revenue from financial firms. This depends on the quality and amount of data received as well as its reliability and accuracy.

The BEA is the primary Federal user of QSS results. The BEA utilizes the QSS estimates to make improvements to the national accounts for service industries. In the National Income and Product Accounts (NIPA), the QSS estimates allow more accurate estimates of both Personal Consumption Expenditures (PCE) and private fixed investment. For example, recently published revisions to the quarterly NIPA estimates resulted from the incorporation of new source data from the QSS. Revenue estimates from the QSS are also used to produce estimates of gross output by industry that allow BEA to produce a much earlier release of the gross domestic product by industry estimates.

Estimates produced from the QSS are used by the BEA as a component of quarterly GDP estimates. The estimates also provide the Federal Reserve Board (FRB) and Council of Economic Advisors (CEA) with timely information on current economic performance. All estimates collected from this survey are used extensively by various government agencies and departments on economic policy decisions; private businesses; trade organizations; professional associations; academia; and other various business research and analysis organizations.

The CMS uses the QSS estimates to develop hospital spending estimates in the National Accounts. In addition, the QSS estimates improve their ability to analyze hospital spending trends. The CMS also uses the estimates in its healthcare indicator analysis publication; ten-year health spending forecast estimates; and studies in hospital regulation and Medicare policy, procedures, and trends.

The Medicare Payment Advisory Commission (MedPac) utilizes the QSS estimates to assess payment adequacy in the current Medicare program.

The FRB and the CEA use the QSS information to better assess current economic performance. In addition, other government agencies, businesses, and investors use the QSS estimates for market research, industry growth, business planning and forecasting.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: August 11, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–20049 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–23–2015]

Authorization of Production Activity, Foreign-Trade Subzone 93I, Cormetech, Inc., (Selective Catalyst Reduction Catalysts), Durham, North Carolina

On April 9, 2015, the Triangle J Council of Governments, grantee of FTZ 93, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Cormetech, Inc., for its facility located in Durham, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 22706, 4–23–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 10, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–20095 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–51–2015]

Foreign-Trade Zone 225—Springfield, Missouri; 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 the City of Springfield Airport Board, grantee of Foreign-Trade Zone 225, 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 Neosho, Missouri. 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 10, 2015.

FTZ 225 was established by the Board on August 1, 1997 (Board Order 911, 62 FR 43143, 8/12/1997) and reorganized and expanded under the alternative site framework on September 30, 2011 (Board Order 1782, 76 FR 63285, 10/12/

2011). The zone currently has a service area that includes the Counties of Barry, Barton, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell (partial), Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas (partial), Vernon, Webster and Wright. The zone consists of the following sites: *Site 1* (2,363 acres)—Springfield-Branson National Airport Complex, five miles northwest of downtown, Springfield; *Site 2* (88.77 acres, sunset 9/30/2017)—Jarden Consumer Solutions, 303 Nelson Avenue, Neosho; and, *Site 3* (55 acres, sunset 5/31/2016)—General Dynamics Ordnance and Tactical Systems, 4174 County Road 180, Carthage.

The applicant is now requesting authority to expand its zone to include an additional magnet site: *Proposed Site 4* (297.97 acres)—Neosho Industrial Park located in Neosho (Newton County). The application indicates that the proposed site is adjacent to the Springfield 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 13, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 28, 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 10, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–20094 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–085–2015]

Approval of Subzone Status, Michaels Stores Procurement Company, Inc., Lancaster, California

On June 9, 2015, the Acting Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of Palmdale, California, grantee of FTZ 191, requesting subzone status subject to the existing activation limit of FTZ 191, on behalf of Michaels Stores Procurement Company, Inc., in Lancaster, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (80 FR 34140, 6/15/2015). 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 Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 191A is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 191's 1,446.2-acre activation limit.

Dated: August 6, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–20090 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–22–2015]

Authorization of Production Activity, Foreign-Trade Zone 134, Cormetech, Inc., (Selective Catalyst Reduction Catalysts), Cleveland, Tennessee

On April 1, 2015, Cormetech, Inc., an operator of FTZ 134, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility in Cleveland, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 22705–22706, 4–23–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 10, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–20093 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Final Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* August 14, 2015.

SUMMARY: On June 12, 2015, the Department of Commerce (the Department) published its notice of initiation and preliminary results of a changed circumstances review (CCR) of the antidumping duty order on Certain Pasta from Italy.[1] The Department preliminarily determined that P.A.P. S.R.L. (PAP SRL) is the successor-in-interest to P.A.P. SNC Di Pazienza G. B. & C. (PAP SNC). No parties submitted comments, and for these final results we continue to find that PAP SRL is the successor-in-interest to PAP SNC.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson or Eric B. Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3797 and (202) 482–6071, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 22, 2015, PAP SRL requested that the Department conduct a CCR to determine whether it is the successor-in-interest to PAP SNC, for purposes of determining antidumping duties due as a result of the *Pasta from Italy Order.*[2] On June 12, 2015, the Department published its *Initiation and Preliminary Results,* in which it preliminarily determined that PAP SRL is the successor-in-interest to PAP SNC.[3] The Department invited

[1] *See Certain Pasta From Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 80 FR 33480 (June 12, 2015) (*Initiation and Preliminary Results*).

[2] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy,* 61 FR 38547 (July 24, 1996) (*Pasta from Italy Order*).

[3] *See Preliminary Results,* 80 FR at 33480.

interested parties to comment on the *Preliminary Results*.[4] We received none.

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review 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.[5]

Final Results of Changed Circumstances Review

Because no parties submitted comments on the Department's *Initiation and Preliminary Results,* and because there is no other information or evidence on the record that calls into question the *Initiation and Preliminary Results,* the Department determines that PAP SRL is the successor-in-interest to PAP SNC for the purpose of determining antidumping duty liability.

Instructions to U.S. Customs and Border Protection

As a result of this determination, we find that PAP SRL should receive the cash deposit rate previously assigned to PAP SNC in the most recently completed review of the antidumping duty order on certain pasta from Italy. Consequently, the Department will instruct U.S. Customs and Border Protection to collect estimated antidumping duties for all shipments of subject merchandise exported by PAP SRL and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the current cash deposit rate for PAP SNC, which is zero.[6] This cash deposit requirement shall remain in effect until further notice.

Notification

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216(e).

Dated: August 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–20087 Filed 8–13–15; 8:45 am]

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[4] *Id.*

[5] For a full description of the scope of the order, *see* the memorandum titled ''Initiation and Preliminary Results of Changed Circumstances 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, (Preliminary Decision Memorandum), dated concurrently with the *Initiation and Preliminary Results.*

[6] PAP SNC was a respondent in the 14th administrative review of the *Pasta from Italy Order* and received a deposit rate of 3.57 percent. *See Pasta from Italy: Final Results of the Fourteenth Antidumping Duty Administrative Review,* 76 FR 76937 (December 9, 2011). As a result of the ''section 129'' determination, the company's deposit rate is now zero; *see Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act: Stainless Steel Plate in Coils From Belgium, Steel Concrete Reinforcing Bars From Latvia, Purified Carboxymethylcellulose From Finland, Certain Pasta From Italy, Purified Carboxymethylcellulose From the Netherlands, Stainless Steel Wire Rod From Spain, Granular Polytetrafluoroethylene Resin From Italy, Stainless Steel Sheet and Strip in Coils From Japan,* 77 FR 36257 (June 18, 2012). *See also,* PAP SRL's CCR request dated April 22, 2015.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–523–811]

Certain Polyethylene Terephthalate Resin From the Sultanate of Oman: Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that *de minimis* countervailable subsidies are being provided to producers/exporters of certain polyethylene terephthalate resin (PET resin) from the Sultanate of Oman (Oman). The period of investigation is January 1, 2014, through December 31, 2014. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3936.

SUPPLEMENTARY INFORMATION: On March 30, 2015, the Department initiated this countervailing duty (CVD) investigation.[1] On the same day, the Department also initiated an antidumping duty (AD) investigation of PET Resin from Oman.[2] On May 7, 2015, in response to a request from the Petitioners,[3] the Department postponed the preliminary determination in the CVD investigation.[4]

Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

In accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4), and based on Petitioners' request,[5] we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of PET Resin from Oman. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than December 21, 2015, unless postponed.[6]

Scope of the Investigation

The merchandise covered by this investigation is PET resin. The merchandise subject to this investigation is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the

[1] *See Certain Polyethylene Terephthalate Resin from the People's Republic of China, India, and the Sultanate of Oman: Initiation of Countervailing Duty Investigations,* 80 FR 18369 (April 6, 2015).

[2] *See Certain Polyethylene Terephthalate Resin From Canada, the People's Republic of China, India, and the Sultanate of Oman: Initiation of Less-Than-Fair-Value Investigations,* 80 FR 18376 (April 6, 2015).

[3] DAK Americas, LLC, M&G Chemicals, and Nan Ya Plastics Corporation, America, (Petitioners).

[4] *See Certain Polyethylene Terephthalate Resin From the People's Republic of China, India and the Sultanate of Oman: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 80 FR 27635 (May 14, 2015).

[5] *See* Letter from Petitioners, ''Investigation of Certain Polyethylene Terephthalate Resin from Oman—Petitioners' Request to Align the Countervailing Duty Final Determination with the Companion Antidumping Duty Final Determination,'' (July 31, 2015).

[6] The actual deadline is 75 days after the date of the preliminary determinations, or December 20, 2015, which is a Sunday. Department practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, December 21, 2015). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.[7]

Methodology

The Department is conducting this CVD investigation in accordance with section 701 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *https://access.trade.gov/login.aspx* and is 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://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination

We preliminarily determine the countervailable subsidy rate to be:

Company	Subsidy rate
OCTAL SAOC–FZC and OCTAL Holding SAOC.	0.28 percent (*de minimis*) [8]

Consistent with section 703(b)(4)(A) of the Act, we have disregarded *de minimis* rates and preliminarily determine that countervailable subsides are not being provided with respect to the manufacture, production or exportation of the subject merchandise in Oman. Consistent with section 703(d) of the Act, the Department has not calculated an all-others rate because it has not reached an affirmative preliminarily determination. Because the estimated subsidy rate for the examined company is *de minimis,* we will not direct U.S. Customs and Border Protection to suspend liquidation of entries of subject merchandise from Oman.

Verification

As provided in section 782(i)(l) of the Act, we intend to verify the information submitted by the respondents prior to making our final determination.

International Trade Commission

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance. In accordance with section 705(b)(3) of the Act, if our final determination is affirmative, the lTC will make its final determination within 75 days after we make our final determination.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement.[9] Interested parties may submit case and rebuttal briefs,[10] and request a hearing.[11] For a schedule of the deadlines for filing case briefs, rebuttal briefs, and hearing requests, *see* the Preliminary Decision Memorandum.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Alignment
IV. Scope Comments
V. Scope of the Investigation
VI. Injury Test
VII. Subsidies Valuation
VIII. Analysis of Programs
IX. Calculation of the All Others Rate
X. United States International Trade Commission (ITC) Notification
XI. Disclosure and Public Comment
XII. Verification
XIII. Recommendation

[FR Doc. 2015–20086 Filed 8–13–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–984]

Drawn Stainless Steel Sinks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the countervailing duty order on drawn stainless steel sinks (sinks) from the People's Republic of China (PRC) for the period of review (POR) January 1, 2014, through December 31, 2014, based on the timely withdrawal of requests for review.

DATES: *Effective Date:* August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Lana Nigro, 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) 482–1779.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2015, the Department published the notice of opportunity to request an administrative review of the countervailing duty order on sinks from the PRC for the POR January 1, 2014, through December 31, 2014.[1] On April 28, 2015, Guangdong Yingao Utensils Co., Ltd. (Yingao), B&R Industries Limited (B&R), Guangdong New Shichu Import and Export Co., Ltd. (New Shichu), and Guangdong Dongyuan Kitchenware Industrial Co., Ltd. (Dongyuan) requested an administrative review of their POR sales.[2] On April 29,

[7] *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 regarding ''Decision Memorandum for the Preliminary Negative Determination in the Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum). For a list of topics discussed in the Preliminary Decision Memorandum, *see* the Appendix to this notice.

[8] In accordance with section 703(b)(4) of the Act, we are disregarding *de minimis* subsidies for the purposes of this preliminary determination.

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c) and (d).

[11] *See* 19 CFR 351.510.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 80 FR 17392 (April 1, 2015).

[2] *See* Letter from Yingao, ''Drawn Stainless Steel Sinks from the People's Republic of China: Request

Continued

2015, Zhongshan Superte Kitchenware Co., Ltd. (Superte) requested an administrative review of its POR sales.[3] In accordance with 19 CFR 351.221(c)(1)(i), the Department published a notice initiating an administrative review of Yingao, B&R, New Shichu, Dongyuan, and Superte on May 26, 2015.[4] Yingao, New Shichu and Dongyuan withdrew their requests for an administrative review on June 24, 2015.[5] B&R withdrew its request for an administrative review on July 27, 2015.[6] Superte withdrew its request for administrative review on July 28, 2015.[7]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, all parties withdrew their requests for review within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries of sinks from the PRC. 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 in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

Notifications

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 7, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–19981 Filed 8–13–15; 8:45 am]

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for Administrative Review'' dated April 28, 2015; letter from B&R, ''Drawn Stainless Steel Sinks from the People's Republic of China: Request for Countervailing Duty Administrative Review'' dated April 28, 2015; letter from New Shichu, ''Drawn Stainless Steel Sinks from the People's Republic of China: Request for Administrative Review'' dated April 28, 2015; letter from Dongyuan, ''Drawn Stainless Steel Sinks from the People's Republic of China: Request for Administrative Review'' dated April 28, 2015.

[3] *See* Letter from Superte, ''Drawn Stainless Steel Sinks from China; Administrative Review Request'' dated April 29, 2015.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 30041 (May 26, 2015).

[5] *See* Letter from Yingao, ''Drawn Stainless Steel Sinks from the People's Republic of China: Withdraw Request for Annual Administrative Review'' dated June 24, 2015; letter from New Shichu, ''Drawn Stainless Steel Sinks from the People's Republic of China: Withdraw Request for Annual Administrative Review'' dated June 24, 2015; letter from Dongyuan, ''Drawn Stainless Steel Sinks from the People's Republic of China: Withdraw Request for Annual Administrative Review'' dated June 24, 2015.

[6] *See* Letter from B&R, ''Drawn Stainless Steel Sinks from the People's Republic of China: Withdrawal of Request for Countervailing Duty Administrative Review'' dated July 27, 2015.

[7] *See* Letter from Superte, ''Drawn Stainless Steel Sinks from China: Withdrawal of Administrative Review Request'' dated July 28, 2015.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–025]

Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From the People's Republic of China: Preliminary Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain polyethylene terephthalate (PET) resin from the People's Republic of China (the PRC). We invite interested parties to comment on this preliminary determination.

DATES: Effective Date: August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Yasmin Nair or Ilissa Shefferman, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202.482.3813 or 202.482.4684, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is PET resin. The merchandise subject to this investigation is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.[1]

Methodology

The Department is conducting this countervailing duty (CVD) investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[2] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is 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 at *http://trade.gov/enforcement.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

The Department notes that, in making this preliminary determination, we

[1] For a complete description of the Scope of the Order, *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, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[2] *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.

relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[3] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of PET resin from the PRC based on a request made by Petitioners.[4] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than December 21, 2015,[5] unless postponed.

Preliminary Determination and Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated an individual rate for each exporter/producer of the subject merchandise individually investigated. We preliminarily determine the countervailable subsidy rates to be:

Exporter/producer	Subsidy rate (percent)
Jiangyin Xingyu New Material Co., Ltd., Jiangsu Xingye Plastic Co., Ltd., Jiangyin Xingjia Plastic Co., Ltd., Jiangyin Xingtai New Material Co., Ltd., Jiangsu Xingye Polarization Co., Ltd., Jiangsu Sanfangxiang Group Co., Ltd., Jiangyin Hailun Petrochemicals Co., Ltd., Jiangyin Xinlun Chemical Fiber Co., Ltd., Jiangyin Huasheng Polymer Co., Ltd., Jiangsu SanFangxiang International Trading Co., Ltd., Jiangyin HuaYi Polymerization Co., Ltd., Jiangyin Xingsheng Plastic Co., Ltd., Jiangyin Chemical Fiber Co., Ltd., Jiangyin Huaxing Synthetic Co., Ltd., Jiangyin Bolun Chemical Fiber Co., Ltd. (collectively, Xingyu)	4.27
Dragon Special Resin (Xiamen) Co., Ltd.; Xiang Lu Petrochemicals Co., Ltd.; Xianglu Petrochemicals (Zhangzhou) Co., Ltd.; and Xiamen Xianglu Chemical Fiber Company Limited (collectively, Dragon)	18.88
All-Others	11.58

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of PET resin from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register,** and to require a cash deposit for such entries of merchandise in the amounts indicated above.

Sections 703(d) and 705(c)(5)(A) of the Act state that, for companies not investigated, we determine an ''all-others rate,'' by weighting the subsidy rates of the individual company subsidy rate of each of the companies investigated by each company's exports of subject merchandise to the United States excluding rates that are zero or *de minimis* or any rates determined entirely on the facts available. Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all-others'' rate by weight-averaging the rates of the two individually investigated respondents, because doing so risks disclosure of proprietary information. Therefore, for the ''all-others'' rate, we calculated a simple average of the two responding companies' rates.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted by the respondents prior to making our final determination.

Disclosure and Public Comment

The Department will disclose calculations performed for this preliminary determination to the parties within five days of the date of public announcement of this determination in accordance with 19 CFR 351.224(b). Case briefs or other written comments for all non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] A table of contents, list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary 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, filed electronically using ACCESS. An electronically filed request for a hearing must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time, 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. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined. Parties will be notified of the date and time of any hearing. The hearing will be limited to issues raised in the respective briefs.[8]

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative

[3] *See* sections 776(a) and (b) of the Act.

[4] DAK Americas, LLC, M&G Chemicals, and Nan Ya Plastics Corporation, America (collectively, Petitioners); *see also* Letter from Petitioners dated, July 31, 2015.

[5] We note that the current deadline for the final AD determination is December 20, 2015, which is a Sunday. Pursuant to Department practice, the signature date will be the next business day, which is Monday, December 21, 2015. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See* 19 CFR 351.310(c).

[8] *Id.*

protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

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[FR Doc. 2015–20088 Filed 8–13–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–937; A–570–958; A–570–956; A–570–977; A–570–970; A–570–979; A–570–981]

Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Citric Acid and Citrate Salts From the People's Republic of China; Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China; Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the People's Republic of China; High Pressure Steel Cylinders From the People's Republic of China; Multilayered Wood Flooring From the People's Republic of China; Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China; Utility Scale Wind Towers From the People's Republic of China

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 4, 2015, the U.S. Trade Representative (USTR) instructed the Department of Commerce (Department) to implement its determinations under section 129 of the Uruguay Round Agreements Act (URAA) regarding the antidumping duty (AD) investigations on certain coated paper suitable for high-quality print graphics using sheet-fed presses from the People's Republic of China (PRC); seamless carbon and alloy steel standard, line, and pressure pipe from the PRC; high pressure steel cylinders from the PRC; multilayered wood flooring from the PRC; certain crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC; and utility scale wind towers from the PRC; and regarding the AD administrative review of citric acid and citrate salts from the PRC, which renders them not inconsistent with the World Trade Organization (WTO) dispute settlement findings in the Appellate Body report on *United States — Countervailing and Anti-dumping Measures on Certain Products from China,* WT/DS449/AB/R (July 7, 2014), and the panel report, as modified by the Appellate Body report, WT/DS449/R (March 27, 2014), adopted by the WTO Dispute Settlement Body on July 22, 2014 (DS 449). The Department issued its final determinations in these section 129 proceedings between July 14, 2015,

and July 31, 2015.[1] The Department is now implementing these final determinations.

DATES: *Effective Date:* August 4, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa Wang or Erin Begnal, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5673 or (202) 482–1442.

SUPPLEMENTARY INFORMATION: On January 28, 2015, the Department informed parties that it was initiating proceedings under section 129 of the URAA to implement the findings adopted by the WTO Dispute Settlement Body in DS 449 with respect to the above-referenced AD investigations and administrative review. These proceedings concern the Department's imposition of ADs calculated on the basis of the methodology for nonmarket economy countries prescribed by section 773(c) of the Tariff Act of 1930 (the Act), as amended, concurrently with the imposition of countervailing duties upon the same products without having assessed whether so-called ''double remedies,'' (*i.e.,* the offsetting of the same subsidy twice) arose from such concurrent duties.

Between February 2015 and April 2015, the Department issued questionnaires to certain respondents in the underlying investigations and administrative review, concerning the issue of double remedies. Between May 2015, and June 2015, the Department issued the preliminary determinations in these section 129 proceedings and provided interested parties an opportunity to comment. Following the comment period, the Department issued its final determinations for the section 129 proceedings between July 14, 2015, and July 31, 2015.

In its August 4, 2015 letter, the USTR notified the Department that, consistent with section 129(b)(3) of the URAA, consultations with the Department and the appropriate congressional committees with respect to the final determinations have been completed. Also on August 4 2015, in accordance with section 129(b)(4) of the URAA, the USTR directed the Department to implement these determinations.

Nature of the Proceedings

Section 129 of the URAA governs the nature and effect of determinations issued by the Department to implement findings by WTO dispute settlement panels and the Appellate Body.

Specifically, section 129(b)(2) of the URAA provides that ''notwithstanding any provision of the Tariff Act of 1930,'' upon a written request from the USTR, the Department shall issue a determination that would render its actions not inconsistent with an adverse finding of a WTO panel or the Appellate Body.[2] The Statement of Administrative Action, U.R.A.A., H. Doc. 316, Vol. 1, 103d Cong. (1994) (SAA), variously refers to such a determination by the Department as a ''new,'' ''second,'' and ''different'' determination.[3] After consulting with the Department and the appropriate congressional committees, the USTR may direct the Department to implement, in whole or in part, the new determination made under section 129 of the URAA.[4] Pursuant to section 129(c) of the URAA, the new determination shall apply with respect to unliquidated entries of the subject merchandise that are entered or withdrawn from warehouse, for consumption, on or after the date on which the USTR directs the Department to implement the new determination.[5] The new determination is subject to judicial review, separate and apart from judicial review of the Department's original determination.[6]

Final Determinations: Analysis of Comments Received

To the extent that issues were raised by interested parties during the period for comment following the issuance of the preliminary determinations, those issues are addressed in the respective final determinations. The final determinations are public documents and are available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, complete versions of the final determinations can be accessed directly on the Internet at *http://enforcement.trade.gov/download/section129/full-129-index.html.* The signed versions of the final determinations and the electronic versions of the final determinations are identical in content.

[1] *See* Memoranda from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, regarding: (1) Section 129 Proceeding (WTO DS449): Antidumping Duty Review of Citric Acid and Citrate Salts from the People's Republic of China—Final Determination (dated July 14, 2015); (2) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from the People's Republic of China—Final Determination (dated July 16, 2015); (3) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China—Final Determination (dated July 27, 2015); (4) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of High Pressure Steel Cylinders from the People's Republic of China—Final Determination (dated July 16, 2015); (5) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of Multilayered Wood Flooring from the People's Republic of China—Final Determination (dated July 14, 2015); (6) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China—Final Determination (dated July 31, 2015); and (7) Section 129 Proceeding (WTO DS449): Antidumping Duty Investigation of Utility Scale Wind Towers from the People's Republic of China—Final Determination (dated July 31, 2015).

[2] *See* 19 U.S.C. 3538(b)(2).

[3] *See* SAA at 1025, 1027.

[4] *See* 19 U.S.C. 3538(b)(4).

[5] *See* 19 U.S.C. 3538(c).

[6] *See* 19 U.S.C. 1516a(a)(2)(B)(vii).

Final Antidumping Duty Margins

The AD rates, as included in the final determinations are as follows:

CITRIC ACID AND CITRATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD review]

Exporter	Weighted-average margin (percent) [7]
RZBC Co., Ltd., RZBC Import & Export Co., Ltd., and RZBC (Juxian) Co, Ltd	0.00
Yixing Union Biochemical Co., Ltd	1.01

CERTAIN COATED PAPER SUITABLE FOR HIGH-QUALITY PRINT GRAPHICS USING SHEET-FED PRESSES FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD investigation]

Exporter	Producer	Weighted-average margin (percent) [8]
Gold East Paper (Jiangsu) Co., Ltd.; Gold Huasheng Paper Co., Ltd.; Ningbo Zhonghua Paper Co., Ltd.; Ningbo Asia Pulp and Paper Co., Ltd.; Gold East (Hong Kong) Trading Co., Ltd.	Gold East Paper (Jiangsu) Co., Ltd.; Gold Huasheng Paper Co., Ltd.; Ningbo Zhonghua Paper Co., Ltd.; Ningbo Asia Pulp and Paper Co., Ltd.	7.62
Shandong Chenming Paper Holdings Ltd	Shandong Chenming Paper Holdings Ltd	7.62
PRC-wide Entity *		135.83

* *Includes:* Shandong Sun Paper Industry Joint Stock Co., Ltd., Yanzhou Tianzhang Paper Industry Co., Ltd., Shandong International Paper and Sun Coated Paperboard Co., Ltd., International Paper and Sun Cartonboard Co., Ltd. (collectively, Sun Paper).

SEAMLESS CARBON AND ALLOY STEEL STANDARD, LINE, AND PRESSURE PIPE FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD investigation]

Exporter	Producer	Weighted-average dumping margin (percent)	Margin adjusted for export subsidies (percent) [9]
Tianjin Pipe International Economic and Trading Corporation.	Tianjin Pipe (Group) Corporation	50.01	49.93
Hengyang Steel Tube Group International Trading Inc	Hengyang Valin Steel Tube Co., Ltd	82.24	80.12
Hengyang Steel Tube Group International Trading Inc	Hengyang Valin MPM Tube Co., Ltd	82.24	80.12
Xigang Seamless Steel Tube Co., Ltd	Xigang Seamless Steel Tube Co., Ltd. and Wuxi Seamless Special Pipe Co., Ltd.	66.13	65.03
Jiangyin City Changjiang Steel Pipe Co., Ltd	Jiangyin City Changjiang Steel Pipe Co., Ltd	66.13	65.03
Pangang Group Chengdu Iron & Steel Co., Ltd	Pangang Group Chengdu Iron & Steel Co., Ltd	66.13	65.03
Yangzhou Lontrin Steel Tube Co., Ltd	Yangzhou Lontrin Steel Tube Co., Ltd	66.13	65.03
Yangzhou Chengde Steel Tube Co., Ltd	Yangzhou Chengde Steel Tube Co., Ltd	66.13	65.03
PRC-wide Entity	98.74	98.74	

HIGH PRESSURE STEEL CYLINDERS FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD investigation]

Exporter	Producer	Weighted-average dumping margin (percent) [10]
Beijing Tianhai Industry Co., Ltd	Beijing Tianhai Industry Co., Ltd	6.62
Beijing Tianhai Industry Co., Ltd	Tianjin Tianhai High Pressure Container Co., Ltd	6.62
Beijing Tianhai Industry Co., Ltd	Langfang Tianhai High Pressure Container Co., Ltd	6.62
Shanghai J.S.X. International Trading Corporation	Shanghai High Pressure Special Gas Cylinder Co., Ltd	6.62

[7] Consistent with our practice, where the product was also subject to a concurrent countervailing duty proceeding, the weighted-average margins listed here reflect a deduction for the countervailing duty determined to constitute an export subsidy.

[8] Consistent with our practice, where the product was also subject to a concurrent countervailing duty proceeding, the weighted-average margins listed here reflect a deduction for the countervailing duty determined to constitute an export subsidy.

[9] Consistent with our practice, where the product was also subject to a concurrent countervailing duty proceeding, the weighted-average margins listed here reflect a deduction for the countervailing duty determined to constitute an export subsidy.

[10] The countervailing duty margins calculated in the concurrent countervailing duty investigation did not consist of any countervailing duty determined to constitute export subsidies.

HIGH PRESSURE STEEL CYLINDERS FROM THE PEOPLE'S REPUBLIC OF CHINA—Continued

[AD investigation]

Exporter	Producer	Weighted-average dumping margin (percent) [10]
Zhejiang Jindun Pressure Vessel Co., Ltd	Zhejiang Jindun Pressure Vessel Co., Ltd	6.62
Shijiazhuang Enric Gas Equipment Co., Ltd	Shijiazhuang Enric Gas Equipment Co., Ltd	6.62
PRC-wide Rate *		31.21

* *Includes:* Shanghai High Pressure Container Co., Ltd.; Heibei Baigong Industrial Co., Ltd.; Nanjing Ocean High-Pressure Vessel Co., Ltd.; Qingdao Baigong Industrial and Trading Co., Ltd.; Shandong Huachen High Pressure Vessel Co., Ltd.; Shandong Province Building High Pressure Vessel Limited Company; Sichuan Mingchuan Chengyu Co., Ltd.; and Zhuolu High Pressure Vessel Co., Ltd.

MULTILAYERED WOOD FLOORING FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD Investigation]

Exporter	Producer	Weighted-average dumping margin (percent) [11]
Zhejiang Layo Wood Industry Co., Ltd	Zhejiang Layo Wood Industry Co., Ltd	* 0.00
The Samling Group **	The Samling Group **	* 0.00
Zhejiang Yuhua Timber Co., Ltd	Zhejiang Yuhua Timber Co., Ltd	* 0.00
Jiaxing Brilliant Import & Export Co., Ltd	Zhejiang Layo Wood Industry Co., Ltd	3.30
MuDanJiang Bosen Wood Industry Co., Ltd	MuDanJiang Bosen Wood Industry Co., Ltd	3.30
MuDanJiang Bosen Wood Industry Co., Ltd	Dun Hua Sen Tai Wood Co., Ltd	3.30
Huzhou Chenghang Wood Co., Ltd	Huzhou Chenghang Wood Co., Ltd	3.30
Hangzhou Hanje Tec Co., Ltd	Zhejiang Jiechen Wood Industry Co., Ltd	3.30
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	3.30
Shenyang Haobainian Wooden Co., Ltd	Shenyang Sende Wood Co., Ltd	3.30
Shenyang Haobainian Wooden Co., Ltd	Shenyang Haobainian Wooden Co., Ltd	3.30
Shenyang Haobainian Wooden Co., Ltd	Shanghai Demeijia Wooden Co., Ltd	3.30
Dalian Dajen Wood Co., Ltd	Dalian Dajen Wood Co., Ltd	3.30
HaiLin LinJing Wooden Products, Ltd	HaiLin LinJing Wooden Products, Ltd	3.30
Dun Hua Sen Tai Wood Co., Ltd	Dun Hua Sen Tai Wood Co., Ltd	3.30
Dunhua Jisheng Wood Industry Co., Ltd	Dunhua Jisheng Wood Industry Co., Ltd	3.30
Hunchun Forest Wolf Industry Co., Ltd	Hunchun Forest Wolf Industry Co., Ltd	3.30
Guangzhou Panyu Southern Star Co., Ltd	Guangzhou Jiasheng Timber Industry Co., Ltd	3.30
Nanjing Minglin Wooden Industry Co., Ltd	Nanjing Minglin Wooden Industry Co., Ltd	3.30
Zhejiang Fudeli Timber Industry Co., Ltd	Zhejiang Fudeli Timber Industry Co., Ltd	3.30
Suzhou Dongda Wood Co., Ltd	Suzhou Dongda Wood Co., Ltd	3.30
Guangzhou Pan Yu Kang Da Board Co., Ltd	Guangzhou Pan Yu Kang Da Board Co., Ltd	3.30
Kornbest Enterprises Ltd	Guangzhou Pan Yu Kang Da Board Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Dalian Huilong Wooden Products Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Mudanjiang Bosen Wood Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Hunchun Forest Wolf Wooden Industry Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Kemian Wood Industry (Kunshan) Co., Ltd	3.30
Metropolitan Hardwood Floors, Inc.	Shenyang Haobainian Wooden Co., Ltd	3.30
Zhejiang Longsen Lumbering Co., Ltd	Zhejiang Longsen Lumbering Co., Ltd	3.30
Xinyuan Wooden Industry Co., Ltd	Xinyuan Wooden Industry Co., Ltd	3.30
Dasso Industrial Group Co., Ltd	Dasso Industrial Group Co., Ltd	3.30
Hong Kong Easoon Wood Technology Co., Ltd	Dasso Industrial Group Co., Ltd	3.30
Armstrong Wood Products (Kunshan) Co., Ltd	Armstrong Wood Products (Kunshan) Co., Ltd	3.30
Baishan Huafeng Wooden Product Co., Ltd	Baishan Huafeng Wooden Product Co., Ltd	3.30
Changbai Mountain Development and Protection Zone Hongtu Wood Industry Co., Ltd.	Changbai Mountain Development and Protection Zone Hongtu Wood Industry Co., Ltd.	3.30
Changzhou Hawd Flooring Co., Ltd	Changzhou Hawd Flooring Co., Ltd	3.30
Dalian Jiuyuan Wood Industry Co., Ltd	Dalian Jiuyuan Wood Industry Co., Ltd	3.30
Dalian Penghong Floor Products Co., Ltd	Dalian Penghong Floor Products Co., Ltd	3.30
Dongtai Fuan Universal Dynamics LLC	Dongtai Fuan Universal Dynamics LLC	3.30
Dunhua City Dexin Wood Industry Co., Ltd	Dunhua City Dexin Wood Industry Co., Ltd	3.30
Dunhua City Hongyuan Wood Industry Co., Ltd	Dunhua City Hongyuan Wood Industry Co., Ltd	3.30
Dunhua City Jisen Wood Industry Co., Ltd	Dunhua City Jisen Wood Industry Co., Ltd	3.30
Dunhua City Wanrong Wood Industry Co., Ltd	Dunhua City Wanrong Wood Industry Co., Ltd	3.30

[11] The countervailing duty margins calculated in the concurrent countervailing duty investigation did not consist of any countervailing duty determined to constitute export subsidies.

MULTILAYERED WOOD FLOORING FROM THE PEOPLE'S REPUBLIC OF CHINA—Continued

[AD Investigation]

Exporter	Producer	Weighted-average dumping margin (percent) [11]
Fusong Jinlong Wooden Group Co., Ltd	Fusong Jinlong Wooden Group Co., Ltd	3.30
Fusong Qianqiu Wooden Product Co., Ltd	Fusong Qianqiu Wooden Product Co., Ltd	3.30
GTP International	Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	3.30
GTP International	Jiafeng Wood (Suzhou) Co., Ltd	3.30
GTP International	Suzhou Dongda Wood Co., Ltd	3.30
GTP International	Kemian Wood Industry (Kunshan) Co., Ltd	3.30
Guangdong Yihua Timber Industry Co., Ltd	Guangdong Yihua Timber Industry Co., Ltd	3.30
HaiLin LinJing Wooden Products, Ltd	HaiLin LinJing Wooden Products, Ltd	3.30
Huzhou Fulinmen Imp & Exp. Co., Ltd	Huzhou Fulinmen Wood Floor Co., Ltd	3.30
Huzhou Fuma Wood Bus. Co., Ltd	Huzhou Fuma Wood Bus. Co., Ltd	3.30
Jiafeng Wood (Suzhou) Co., Ltd	Jiafeng Wood (Suzhou) Co., Ltd	3.30
Jiashan Hui Jia Le Decoration Material Co., Ltd	Jiashan Hui Jia Le Decoration Material Co., Ltd	3.30
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	3.30
Karly Wood Product Limited	Karly Wood Product Limited	3.30
Kunshan Yingyi-Nature Wood Industry Co., Ltd	Kunshan Yingyi-Nature Wood Industry Co., Ltd	3.30
Puli Trading Ltd	Baiying Furniture Manufacturer Co., Ltd	3.30
Shanghai Eswell Timber Co. Ltd	Shanghai Eswell Timber Co. Ltd	3.30
Shanghai Lairunde Wood Co., Ltd	Shanghai Lairunde Wood Co., Ltd	3.30
Shanghai New Sihe Wood Co., Ltd	Shanghai New Sihe Wood Co., Ltd	3.30
Shanghai Shenlin Corporation	Shanghai Shenlin Corporation	3.30
Shenzhenshi Huanwei Woods Co., Ltd	Shenzhenshi Huanwei Woods Co., Ltd	3.30
Tak Wah Building Material (Suzhou) Co. Ltd	Vicwood Industry (Suzhou) Co., Ltd	3.30
Tech Wood International Ltd	Vicwood Industry (Suzhou) Co., Ltd	3.30
Xiamen Yung De Ornament Co., Ltd	Xiamen Yung De Ornament Co., Ltd	3.30
Xuzhou Shenghe Wood Co., Ltd	Xuzhou Shenghe Wood Co., Ltd	3.30
Yixing Lion-King Timber Industry Co., Ltd	Yixing Lion-King Timber Industry Co., Ltd	3.30
Jiangsu Simba Flooring Industry Co., Ltd	Yixing Lion-King Timber Industry Co., Ltd	3.30
Zhejiang Biyork Wood Co., Ltd	Zhejiang Biyork Wood Co., Ltd	3.30
Zhejiang Dadongwu GreenHome Wood Co., Ltd	Zhejiang Dadongwu GreenHome Wood Co., Ltd	3.30
Zhejiang Desheng Wood Industry Co., Ltd	Zhejiang Desheng Wood Industry Co., Ltd	3.30
Zhejiang Shiyou Timber Co., Ltd	Zhejiang Shiyou Timber Co., Ltd	3.30
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd	Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd	3.30
Chinafloors Timber (China) Co. Ltd	Chinafloors Timber (China) Co. Ltd	3.30
Shanghai Lizhong Wood Products Co., Ltd, also known as The Lizhong Wood Industry Limited Company of Shanghai.	Shanghai Lizhong Wood Products Co., Ltd, also known as The Lizhong Wood Industry Limited Company of Shanghai.	3.30
Fine Furniture (Shanghai) Limited	Fine Furniture (Shanghai) Limited	3.30
Huzhou Sunergy World Trade Co. Ltd	Zhejiang Haoyun Wood Co., Ltd	3.30
Huzhou Sunergy World Trade Co. Ltd	Nanjing Minglin Wooden Industry Co., Ltd	3.30
Huzhou Sunergy World Trade Co. Ltd	Zhejiang AnJi XinFeng Bamboo & Wood Co., Ltd	3.30
Huzhou Jesonwood Co., Ltd	Zhejiang Jeson Wood Co., Ltd	3.30
Huzhou Jesonwood Co., Ltd	Huzhou Jesonwood Co., Ltd	3.30
A&W (Shanghai) Woods Co., Ltd	A&W (Shanghai) Woods Co., Ltd	3.30
A&W (Shanghai) Woods Co., Ltd	Suzhou Anxin Weiguang Timber Co., Ltd	3.30
Fu Lik Timber (HK) Company Limited	Guangdong Fu Lin Timber Technology Limited	3.30
Yekalon Industry, Inc./Sennorwell International Group (Hong Kong) Limited.	Jilin Xinyuan Wooden Industry Co., Ltd	3.30
Kemian Wood Industry (Kunshan) Co., Ltd	Kemian Wood Industry (Kunshan) Co., Ltd	3.30
Dalian Kemian Wood Industry Co., Ltd	Dalian Kemian Wood Industry Co., Ltd	3.30
Dalian Huilong Wooden Products Co., Ltd	Dalian Huilong Wooden Products Co., Ltd	3.30
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	3.30
PRC-wide Entity		58.84

CERTAIN CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD investigation]

Exporter	Producer	Previous weighted average dumping margin (percent) [12]	Previous cash deposit rate adjusted for export subsidies (percent)	Revised AD cash deposit rate adjusted for double remedies (percent)
Changzhou Trina Solar Energy Co., Ltd		18.32	7.78	6.68
Wuxi Suntech Power Co., Ltd		29.14	18.60	18.06
Separate Rates (list)		24.48	13.94	13.18

CERTAIN CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA—Continued

[AD investigation]

Exporter	Producer	Previous weighted average dumping margin (percent) [12]	Previous cash deposit rate adjusted for export subsidies (percent)	Revised AD cash deposit rate adjusted for double remedies (percent)
Changzhou Trina Solar Energy Co., Ltd. and Trina Solar (Changzhou) Science & Technology Co., Ltd.	Changzhou Trina Solar Energy Co., Ltd	24.48	13.94	13.18
	Trina Solar (Changzhou) Science & Technology Co., Ltd.	24.48	13.94	13.18
Wuxi Suntech Power Co., Ltd., Luoyang Suntech Power Co., Ltd., Suntech Power Co., Ltd. and Wuxi Sun-shine Power Co., Ltd.	Wuxi Suntech Power Co., Ltd	24.48	13.94	13.18
	Luoyang Suntech Power Co., Ltd	24.48	13.94	13.18
	Suntech Power Co., Ltd	24.48	13.94	13.18
	Wuxi Sun-shine Power Co., Ltd	24.48	13.94	24.48
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	Baoding Tianwei Yingli New Energy Resources Co., Ltd.	24.48	13.94	13.18
	Yingli Energy (China) Company Limited	24.48	13.94	13.18
Tianwei New Energy (Chengdu) PV Module Co., Ltd.	Tianwei New Energy (Chengdu) PV Module Co., Ltd.	24.48	13.94	13.18
Canadian Solar International Limited	Canadian Solar Manufacturing (Changshu) Inc.	24.48	13.94	13.18
	Canadian Solar Manufacturing (Luoyang) Inc.	24.48	13.94	13.18
Canadian Solar Manufacturing (Changshu) Inc.	Canadian Solar Manufacturing (Changshu), Inc.	24.48	13.94	13.18
Canadian Solar Manufacturing (Luoyang) Inc.	Canadian Solar Manufacturing (Luoyang), Inc.	24.48	13.94	13.18
Hanwha Solarone (Qidong) Co., Ltd	Hanwha Solarone (Qidong) Co., Ltd	24.48	13.94	13.18
CEEG (Shanghai) Solar Science Technology Co., Ltd.	CEEG (Shanghai) Solar Science Technology Co., Ltd.	24.48	13.94	13.18
	CEEG Nanjing Renewable Energy Co., Ltd	24.48	13.94	13.18
CEEG Nanjing Renewable Energy Co., Ltd	CEEG Nanjing Renewable Energy Co., Ltd	24.48	13.94	13.18
Jiawei Solarchina Co., Ltd	Jiawei Solarchina (Shenzhen) Co., Ltd	24.48	13.94	13.18
Yingli Energy (China) Company Limited	Yingli Energy (China) Company Limited	24.48	13.94	13.18
	Baoding Tianwei Yingli New Energy Resources Co., Ltd.	24.48	13.94	13.18
LDK Solar Hi-tech (Nanchang) Co., Ltd	LDK Solar Hi-tech (Nanchang) Co., Ltd	24.48	13.94	13.18
LDK Solar Hi-tech (Suzhou) Co., Ltd	LDK Solar Hi-tech (Suzhou) Co., Ltd	24.48	13.94	13.18
Jiawei Solarchina (Shenzhen) Co., Ltd	Jiawei Solarchina (Shenzhen) Co., Ltd	24.48	13.94	13.18
Changzhou NESL Solartech Co., Ltd	Changzhou NESL Solartech Co., Ltd	24.48	13.94	13.18
China Sunergy (Nanjing) Co., Ltd	China Sunergy (Nanjing) Co., Ltd	24.48	13.94	13.18
Chint Solar (Zhejiang) Co., Ltd	Chint Solar (Zhejiang) Co., Ltd	24.48	13.94	13.18
Suzhou Shenglong PV-Tech Co., Ltd	Suzhou Shenglong PV–TECH Co., Ltd	24.48	13.94	13.18
tenKsolar (Shanghai) Co., Ltd	tenKsolar (Shanghai) Co., Ltd	24.48	13.94	13.18
Upsolar Group, Co., Ltd	HC Solar Power Co., Ltd	24.48	13.94	13.18
	Zhiheng Solar Inc	24.48	13.94	13.18
	Zhejiang Leye Photovoltaic Science & Technology Co., Ltd.	24.48	13.94	13.18
	Tianwei New Energy (Chengdu) PV Module Co., Ltd.	24.48	13.94	13.18
	Zhejiang ZG-Cells Co., Ltd	24.48	13.94	13.18
	Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.	24.48	13.94	13.18
	Zhejiang Jiutai New Energy Co., Ltd	24.48	13.94	13.18
Wanxiang Import & Export Co., Ltd	Zhejiang Wanxiang Solar Co., Ltd	24.48	13.94	13.18
Jinko Solar Import and Export Co., Ltd	Jinko Solar Co., Ltd	24.48	13.94	13.18
JinkoSolar International Limited	Jinko Solar Co., Ltd	24.48	13.94	13.18
CNPV Dongying Solar Power Co., Ltd	CNPV Dongying Solar Power Co., LTD	24.48	13.94	13.18
CSG PVTech Co., Ltd	CSG PVTech Co., Ltd	24.48	13.94	13.18
Delsolar Co., Ltd	DelSolar (Wujiang) Ltd	24.48	13.94	13.18
Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.	Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.	24.48	13.94	13.18
Eoplly New Energy Technology Co., Ltd	Eoplly New Energy Technology Co., Ltd	24.48	13.94	13.18
ERA Solar Co., Ltd	ERA Solar Co., Ltd	24.48	13.94	13.18
ET Solar Energy Limited	ET Solar Industry Limited	24.48	13.94	13.18
Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	24.48	13.94	13.18

CERTAIN CRYSTALLINE SILICON PHOTOVOLTAIC CELLS, WHETHER OR NOT ASSEMBLED INTO MODULES, FROM THE PEOPLE'S REPUBLIC OF CHINA—Continued

[AD investigation]

Exporter	Producer	Previous weighted average dumping margin (percent) [12]	Previous cash deposit rate adjusted for export subsidies (percent)	Revised AD cash deposit rate adjusted for double remedies (percent)
Himin Clean Energy Holdings Co., Ltd	Himin Clean Energy Holdings Co., Ltd	24.48	13.94	13.18
JA Solar Technology Yangzhou Co., Ltd	JingAo Solar Co., Ltd	24.48	13.94	13.18
Jetion Solar (China) Co., Ltd	Jetion Solar (China) Co., Ltd	24.48	13.94	13.18
Jiangsu Green Power PV Co., Ltd	Jiangsu Green Power PV Co., Ltd	24.48	13.94	13.18
Jiangsu Sunlink PV Technology Co., Ltd	Jiangsu Sunlink PV Technology Co., Ltd	24.48	13.94	13.18
JingAo Solar Co., Ltd	JingAo Solar Co., Ltd	24.48	13.94	13.18
Konca Solar Cell Co., Ltd	Konca Solar Cell Co., Ltd	24.48	13.94	13.18
Leye Photovoltaic Co., Ltd	Leye Photovoltaic Co., Ltd	24.48	13.94	13.18
Lightway Green New Energy Co., Ltd	Lightway Green New Energy Co., Ltd	24.48	13.94	13.18
Motech (Suzhou) Renewable Energy Co., Ltd.	Motech (Suzhou) Renewable Energy Co., Ltd.	24.48	13.94	13.18
Ningbo ETDZ Holdings, Ltd	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., LTD.	24.48	13.94	13.18
Ningbo Komaes Solar Technology Co., Ltd	Ningbo Komaes Solar Technology Co., Ltd	24.48	13.94	13.18
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	Ningbo Qixin Solar Electrical Appliance Co., Ltd.	24.48	13.94	13.18
Ningbo Ulica Solar Science & Technology Co., Ltd.	Ningbo Ulica Solar Science & Technology Co., Ltd.	24.48	13.94	13.18
Perlight Solar Co., Ltd	Perlight Solar Co., Ltd	24.48	13.94	13.18
Risen Energy Co., Ltd	Risen Energy Co., Ltd	24.48	13.94	13.18
Shanghai BYD Company Limited	Shanghai BYD Company Limited	24.48	13.94	13.18
Shanghai JA Solar Technology Co., Ltd	Shanghai JA Solar Technology Co., Ltd	24.48	13.94	13.18
Shanghai Solar Energy Science & Technology Co., Ltd.	Shanghai Solar Energy Science & Technology Co., Ltd.	24.48	13.94	13.18
Shenzhen Topray Solar Co., Ltd	Shenzhen Topray Solar Co., Ltd	24.48	13.94	13.18
Solarbest Energy-Tech (Zhejiang) Co., Ltd	Solarbest Energy-Tech (Zhejiang) Co., Ltd	24.48	13.94	13.18
Sopray Energy Co., Ltd	Sopray Energy Co., Ltd	24.48	13.94	13.18
Sumec Hardware & Tools Co., Ltd	Phono Solar Technology Co., Ltd	24.48	13.94	13.18
Sun Earth Solar Power Co., Ltd	Sun Earth Solar Power Co., Ltd	24.48	13.94	13.18
Yuhuan Sinosola Science & Technology Co., Ltd.	Yuhuan Sinosola Science & Technology Co., Ltd.	24.48	13.94	13.18
Yuhuan Solar Energy Source Co., Ltd	Yuhuan Solar Energy Source Co., Ltd	24.48	13.94	13.18
Zhejiang Jiutai New Energy Co., Ltd	Zhejiang Topoint Photovoltaic Co., Ltd	24.48	13.94	13.18
Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.	Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.	24.48	13.94	13.18
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company.	Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company.	24.48	13.94	13.18
PRC-wide Rate		249.96	239.42	238.88

[12] The calculated margins in the underlying investigation were not adjusted to reflect a deduction for any countervailing duty determined to constitute export subsidies. Rather, consistent with Department practice, we adjust the cash deposit rates for export and domestic subsidy offsets to the extent appropriate. Both domestic subsidy and export subsidy adjustments are reflected under ''Revised AD Cash Deposit Rate Adjusted for Double Remedies.''

UTILITY SCALE WIND TOWERS FROM THE PEOPLE'S REPUBLIC OF CHINA

[AD investigation]

Exporter	Producer	Weighted-average margin (percent) [13]
Chengxi Shipyard Co., Ltd	Chengxi Shipyard Co., Ltd	36.98
Titan Wind Energy (Suzhou) Co., Ltd	Titan (Lianyungang) Metal Product Co., Ltd	34.33
Titan Wind Energy (Suzhou) Co., Ltd	Titan Wind Energy (Suzhou) Co., Ltd	34.33
CS Wind Corporation	CS Wind China Co., Ltd	35.81
Guodian United Power Technology Baoding Co., Ltd	Guodian United Power Technology Baoding Co., Ltd	35.77
Sinovel Wind Group Co., Ltd	Qiangsheng Wind Equipment Co., Ltd	35.77
PRC-wide Entity		60.02

[13] Consistent with our practice, where the product was also subject to a concurrent countervailing duty proceeding, the weighted-average margins listed here reflect a deduction for the countervailing duty determined to constitute an export subsidy.

Implementation of the Revised Cash Deposit Requirements

On August 4, 2015, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the URAA and after consulting with the Department and Congress, the USTR directed the Department to implement these final determinations. With respect to each of these proceedings, unless the applicable cash deposit rate has been superseded by intervening administrative reviews, the Department will instruct U.S. Customs and Border Protection to require a cash deposit for estimated ADs at the appropriate rate for each exporter/producer specified above, for entries of subject merchandise, entered or withdrawn from warehouse, for consumption, on or after August 4, 2015.

This notice of implementation of these section 129 final determinations is published in accordance with section 129(c)(2)(A) of the URAA.

Dated: August 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–20085 Filed 8–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–862]

Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin From India: Preliminary Affirmative Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers/exporters of certain polyethylene terephthalate (PET) resin from India. The period of investigation is January 1, 2014, through December 31, 2014. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Yasmin Nair or Angelica Townshend, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3813 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is PET resin. The merchandise subject to this investigation is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.[1]

Methodology

The Department is conducting this countervailing duty (CVD) investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[2] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.[3] 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 is 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 at *http://trade.gov/enforcement.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

The Department notes that, in making this preliminary determination, we relied, in part, on facts available and, because one respondent did not act to the best of its ability to respond to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available with respect to that respondent.[4] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the accompanying Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of PET resin from India based on a request made by Petitioners.[5] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than December 21, 2015,[6] unless postponed.

Preliminary Affirmative Determination of Critical Circumstances

On July 16, 2015, Petitioners filed a timely critical circumstances allegation, pursuant to section 773(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of PET resin from India.[7] We preliminarily determine that critical circumstances do not exist for Dhunseri Petrochem Ltd., but do exist for JBF Industries Limited, and the all-others companies. A discussion of our determination can be found in the Preliminary Decision Memorandum at the section, ''Critical Circumstances.''

Preliminary Determination and Suspension of Liquidation

We preliminarily determine the countervailable subsidy rates to be:

[1] For a complete description of the Scope of the Order, *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, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Polyethylene Terephthalate Resin from India,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[2] *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.

[3] *See* Preliminary Decision Memorandum.

[4] *See* sections 776(a) and (b) of the Act.

[5] DAK Americas, LLC; M&G Chemicals; and Nan Ya Plastics Corporation, America (collectively, Petitioners); *see also* Letter from Petitioners dated, July 31, 2015.

[6] We note that the current deadline for the final AD determination is December 20, 2015, which is a Sunday. Pursuant to Department practice, the signature date will be the next business day, which is Monday, December 21, 2015. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[7] *See* Letter from Petitioners dated July 16, 2015.

Exporter/producer	Subsidy rate (percent)
Dhunseri Petrochem Ltd (formerly Dhunseri Petrochem and Tea Ltd) (collectively, Dhunseri)	5.50
JBF Industries Limited	115.04
All-Others	5.50

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of PET resin from India that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above. Moreover, because we preliminarily find that critical circumstances exist with respect to JBF Industries Ltd. and all other exporters or producers not individually examined, in accordance with section 703(e)(2)(A) of the Act, we are directing CBP to apply the suspension of liquidation to any unliquidated entries entered, or withdrawn from warehouse for consumption by these companies, on or after the date which is 90 days prior to the date of publication of this notice in the **Federal Register**.

Sections 703(d) and 705(c)(5)(A) of the Act state that for companies not investigated, we will determine an all-others rate by weighting the individual company subsidy rate of each of the companies investigated by each company's exports of subject merchandise to the United States, excluding rates that are zero or *de minimis* or any rates determined entirely on the facts available. In this investigation, the only rate that is not zero or *de minimis* or determined entirely on facts available is the rate calculated for Dhunseri. Consequently, the rate calculated for Dhunseri is also assigned as the ''all-others'' rate.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted by Dhunseri and the Government of India (GOI) prior to making our final determination.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed for this preliminary determination within five days of the date of public announcement of this determination in accordance with 19 CFR 351.224(b). Case briefs or other written comments for all non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] A table of contents, list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary 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, filed electronically using ACCESS. An electronically filed request for a hearing must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined. Parties will be notified of the date and time of any hearing. The hearing will be limited to issues raised in the respective briefs.[10]

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 7, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

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Selection of the Adverse Facts Available Rate
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e) Special Economic Zones (6 programs) Export Oriented Units (EOUs) Program: Duty Drawback on Furnace Oil Procured From Domestic Oil Companies
f) GOI Loan Guarantees
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State Government Programs
h) Maharashtra Market Development Assistance Program
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j) Maharashtra Electricity Duty Exemption
k) Maharashtra Waiver of Stamp Duty
l) State Government of Maharashtra—Incentives to Strengthening Micro-, Small-, and Medium-Sized and Large Scale Industries
m) State Government of Gujarat—Industrial Policy 2009 Scheme
C. Programs For Which Additional Information Is Needed
D. Preliminary AFA Rates Determined for Programs Used by JBF

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See* 19 CFR 351.310(c).

[10] *Id.*

XI. Calculation of the All Others Rate
XII. ITC Notification
XIII. Disclosure and Public Comment
XIV. Verification
Recommendation

[FR Doc. 2015–20124 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; National Cybersecurity Center of Excellence Participant Letter of Interest

AGENCY: National Institute of Standards and Technology (NIST), Department of 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 13, 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 Lucy Salah, 9600 Gudelsky Dr., Rockville, MD 20850 or *Lucy.Salah@nist.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

In order to fulfill its core mission, the National Cybersecurity Center of Excellence (NCCoE) publishes announcements in the **Federal Register** of new collaborative projects to address cybersecurity challenges. In response to these announcements, technology vendors are invited to submit Letters of Interest (LoI) for technologies relevant to the challenge. These letters specify the product(s) that the potential collaborator is submitting for consideration, how the product(s) address(es) one or more of the requirements of the project, and contact information for the company's representative. Subsequent to the submission of LoIs, NIST invites companies with relevant technology to enter into a Collaborative Research and Development Agreement (CRADA) with NIST.

II. Method of Collection

Upon request, submitters are provided with questions in an electronic document that can be filled in, signed, and submitted via mail or electronic mail.

III. Data

OMB Control Number: 0693–XXXX.

Form Number(s): None.

Type of Review: New Information Collection.

Affected Public: Businesses or other for profit.

Estimated Number of Respondents: 100 per year.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 50 hours.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 10, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–20015 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 150508436–5436–01]

National Cybersecurity Center of Excellence, Attribute Based Access Control Building Block

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Attribute Based Access Control Building Block. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Attribute Based Access Control Building Block. Participation in the building block is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST that identifies the organization requesting participation in the Attribute Based Access Control Building Block and the capabilities and components that are being offered to the collaborative effort. Letters of interest will be accepted on a first come, first served basis. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than September 14, 2015. When the building block has been completed, NIST will post a notice on the NCCoE Attribute Based Access Control Building Block Web site at *http://nccoe.nist.gov/content/attribute-based-access-control* announcing the completion of the building block and informing the public that it will no longer accept letters of interest for this building block.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Letters of interest must be submitted to *abac-nccoe@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of

this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A CRADA template can be found at: *http://nccoe.nist.gov/node/138.*

FOR FURTHER INFORMATION CONTACT: Bill Fisher via email at to *abac-nccoe@nist.gov,* by telephone 240–314–6838; or by mail to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Additional details about the Attribute Based Access Control Building Block are available at *http://nccoe.nist.gov/content/attribute-based-access-control.*

SUPPLEMENTARY INFORMATION:

Background

The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process

NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Attribute Based Access Control Building Block. The full building block can be viewed at: *http://nccoe.nist.gov/content/attribute-based-access-control.*

Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a letter of interest template, which the party must complete, certify that it is accurate, and submit to NIST and which identifies the organization requesting participation in the Attribute Based Access Control Building Block and the capabilities and components that are being offered to the collaborative effort. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the building block objective or requirements identified below and to obtain additional information. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out the Attribute Based Access Control Building Block. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Building Block Objective

Enterprises face the continual challenge of providing access control mechanisms for subjects requesting access to corporate resources (*e.g.* applications, networks, systems and data). Authentication is required for a diverse set of subjects, who may be known or unknown to the enterprise, and may present the organization with differing credentials. Once authenticated, enterprises require a strong authorization system that enables fine-grain access decisions based on a range of users, resources, and environmental conditions. These challenges, combined with the growth and distributed nature of enterprise resources, as well as the need to share information among stakeholders that are not managed directly by the enterprise, has spawned the demand for highly flexible access control mechanisms.

This building block will use commercially available technologies to demonstrate an enterprise Attribute Based Access Control implementation that makes run-time authorization decisions and enforces a rich set of access control policies consistently across an enterprise (or enterprises). Information about a subject, the resource being accessed, and the environmental context at the time of attempted access shall form the basis for access control decisions, rather than pre-provisioned privileges within individual systems.

Through the use of an attribute exchange platform, this project will exhibit a federated access control environment, allowing for the secure sharing of IT resources across multiple enterprises. In this manner, enterprises enable unanticipated, yet valid, federated identities to gain access, without the traditional challenge of waiting for identity provisioning or authorization approvals.

A detailed description of the Attribute Based Access Control Building Block are available at: *http://nccoe.nist.gov/content/attribute-based-access-control.*

Requirements

Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section ten of the Attribute Based Access Control Building Block (for reference, please see the link in the **PROCESS** section above) and include, but are not limited to:

- Identity management software that includes functions like: Account provisioning, de-provisioning and directory services
- Platform for exchanging attributes
- Federation server
- Databases for policy database, identity store, subject attribute repository, object and attribute repository
- Policy server, to serve as the policy administration point
- Access management system, which may include the policy decision point, policy enforcement point and context handler
- Authentication server and components supporting two factor authentication
- Cryptographic means to protect subject privacy during interactions between RPs, IDPs, APs and the attribute exchange platform.

Each responding organization's letter of interest should identify how their product(s) address one or more of the desired solution characteristics in section five of the Attribute Based Access Control Building Block description (for reference, please see link in **PROCESS** section above).

Additional details about the Attribute Based Access Control Building Block are available at: *http://nccoe.nist.gov/content/attribute-based-access-control.*

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the Attribute Based

Access Control Building Block. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Attribute Based Access Control Building Block. These descriptions will be public information.

Under the terms of the consortium CRADA, participants will commit to providing:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components
2. Support for development and demonstration of the Attribute Based Access Control Building Block in NCCoE facilities which will be conducted in a manner consistent with Federal requirements (*e.g.,* FIPS 200, FIPS 201, SP 800–53, and SP 800–63)

In addition, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Attribute Based Access Control Building Block capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve Attribute Based Access Control within the enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/.*

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

[FR Doc. 2015–20041 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 150805680–5680–01]

National Cybersecurity Center of Excellence, Derived Personal Identity Verification Credentials Building Block

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Derived Personal Identity Verification (PIV) Credentials Building Block. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Derived PIV Credentials Building Block. Participation in the building block is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST that identifies the organization requesting participation in the NCCoE Derived PIV Credentials Building Block and the capabilities and components that are being offered to the collaborative effort. Letters of interest will be accepted on a first come, first served basis. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than September 14, 2015. When the building block has been completed, NIST will post a notice on the NCCoE Derived PIV Credentials Building Block Web site at *http://nccoe.nist.gov/derivedcredentials/* announcing the completion of the building block and informing the public that it will no longer accept letters of interest for this Derived PIV Credentials building block.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Letters of interest may be submitted to *piv-nccoe@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A CRADA template can be found at: *http://nccoe.nist.gov/node/138.*

FOR FURTHER INFORMATION CONTACT: Tim McBride via email to *piv-nccoe@nist.gov;* by telephone 240–314–6811; or by mail to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Additional details about the Derived PIV Credentials Building Block are available at *http://nccoe.nist.gov/derivedcredentials/.*

SUPPLEMENTARY INFORMATION:

Background

The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process

NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Derived PIV Credentials building block. The full Derived Personal Identity Verification (PIV) Credentials building block can be viewed at: *http://nccoe.nist.gov/derivedcredentials/.*

Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST that identifies the organization requesting participation in the NCCoE Derived PIV Credentials Building Block and the capabilities and components

that are being offered to the collaborative effort. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the Derived PIV Credentials building block objective or requirements identified below and to obtain additional information. NIST will select participants who have submitted responsive letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this Derived PIV Credentials building block. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Derived PIV Credentials Building Block Objective

Organizations protect their information systems, in part, by limiting access to the minimum set of users required to perform a function. This principle of ''least privilege'' requires both authentication and authorization processes. Federal Information Processing Standards Publication 201–2, ''Personal Identity Verification (PIV) of Federal Employees and Contractors,'' recommends using smart cards with user data in conjunction with passwords to provide two-factor authentication to federal information systems. While many desktop and laptop computers have built-in card readers, enterprises today rely heavily on the productivity of mobile devices (*i.e.,* smartphones and tablets) that do not easily accommodate card readers. Organizations reliant on smart-card-and-password two-factor authentication need to authenticate users of mobile devices in a way that is more tamper-resistant than a password and as easy to use as a smart card. However, it is challenging to use smart card on the various mobile devices due to their form factor. Attaching or tethering a separate external smart card reader to the mobile phones or tablets creates usability and portability challenges and makes the card an impractical authentication token.

This building block will demonstrate, using smart cards, initially PIV cards, how derived smart card credentials can be added to mobile devices so that they may be used for remote authentication to information technology systems in operational environments. An initial derived credentials proof of concept platform has been developed by NIST ITL's Computer Security Division. Personal identification in mobile device environments is important in Federal (PIV), Federal Contractor (PIV-Interoperable or PIV–I), and general business (PIV-Compatible or CIV) environments. The goal of the building block effort is to demonstrate a feasible security platform based on Federal identity verification standards and guidelines and the NIST-developed existing demonstration prototype proof of concept that can support operations in PIV, PIV–I, and CIV environments. This building block will use commercially available technologies to demonstrate a public key infrastructure (PKI) credentials derived from a PIV-compatible card that is consistent with the requirements in NIST Special Publication 800–157, ''Guidelines for Derived Personal Identity Verification (PIV) Credentials.'' The derived PIV X.509-based credentials will be used for logical access to remote resources hosted within an on-premises data center or in the public cloud. The corresponding derived private key will be stored in a cryptographic module with alternative form factor such as embedded hardware or software in a mobile device or a removable token such as a secure digital (SD) card, universal integrated circuit card (UICC, the new generation of SIM cards), or USB token.

A detailed description of the Derived PIV Credentials Building Block is available at: *http://nccoe.nist.gov/derivedcredentials/.*

Requirements

Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section 6 of the Derived Personal Identity Verification (PIV) Credentials Building Block description (for reference, please see the link in the PROCESS section above) and include, but are not limited to:

- Client systems
- Server systems
- Cloud computing services
- DNS/DNSSEC services
- Removable MicroSD tokens
- Removable USB security tokens
- Removable UICC tokens
- Embedded Mobile Device Software tokens
- Embedded Hardware
- Virtual private network service
- Domain name services
- Windows domain controllers
- Active Directory Federation Servers
- Identity management system
- Cards management system
- Certificate authorities for PIV and Derived PIV Credentials
- Application Proxy Servers
- PIV/PIV–I/CIV Card Management Systems
- PIV/PIV–I/CIV smart card writers and printer
- PIV/PIV–I/CIV compliant smart card readers
- PIV/PIV–I/CIV compliant Smart cards
- Mobile devices
- Operating Systems
- Laptop computer

Each responding organization's letter of interest should identify how their products address one or more of the desired solution characteristics in section 3 of the Derived Personal Identity Verification (PIV) Credentials Building Block description (for reference, please see the link in the PROCESS section above).

Additional details about the Derived PIV Credentials Building Block are available at: *http://nccoe.nist.gov/derivedcredentials/.*

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the Derived PIV Credentials Building Block. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Derived PIV Credentials Building Block. These descriptions will be public information.

Under the terms of the consortium CRADA, participants will commit to providing:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components
2. Support for development and demonstration of the Derived PIV Credentials Building Block in NCCoE facilities which will be conducted in a manner consistent with Federal requirements (*e.g.,* FIPS 200, FIPS 201, SP 800–53, and SP 800–63)

In addition, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Derived PIV Credentials Building Block capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve Derived PIV Credentials within the enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/.*

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

[FR Doc. 2015–20039 Filed 8–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 141110948–5504–01]

National Cybersecurity Center of Excellence, Mobile Device Security Building Block

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Mobile Device Security Building Block. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Mobile Device Security Building Block. Participation in the building block is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST that identifies the organization requesting participation in the NCCoE Mobile Device Security Building Block and the capabilities and components that are being offered to the collaborative effort. Letters of interest will be accepted on a first come, first served basis. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than September 14, 2015. When the building block has been completed, NIST will post a notice on the NCCoE Mobile Device Security Building Block Web site at *http://nccoe.nist.gov/?q=content/mobile-device-security* announcing the completion of the building block and informing the public that it will no longer accept letters of interest for this building block.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Letters of interest must be submitted to *mobile-nccoe@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A CRADA template can be found at: *http://nccoe.nist.gov/node/138.*

FOR FURTHER INFORMATION CONTACT: Joshua Franklin via email at *nccoe-mobile@nist.gov;* by telephone 240–314–6800; or by mail to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Additional details about the Mobile Device Security Building Block are available at *http://nccoe.nist.gov/?q=content/mobile-device-security.*

SUPPLEMENTARY INFORMATION:

Background

The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process

NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Mobile Device Security Building Block. The full building block can be viewed at: *http://nccoe.nist.gov/sites/default/files/nccoe/MobileDeviceBuildingBlock_20140912.pdf.*

Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a letter of interest template, which the party must complete, certify that it is accurate, and submit to NIST and which identifies the organization requesting participation in the Mobile Device Building Block and the capabilities and components that are being offered to the collaborative effort. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the building block objective or requirements identified below and to obtain additional information. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out the Mobile Device Security Building Block. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration

project, NCEP partners will not be given priority for participation.

Building Block Objective

NCCoE use cases address cybersecurity challenges that affect an entire industry sector while NCCoE building blocks are cybersecurity example solutions that are applicable across multiple industry sectors.

The Mobile Device Security Building Block proposes a system of commercially available technologies that provide enterprise-class protection for mobile platforms that access corporate resources. A detailed description of the Mobile Device Security Building Block is available at: *http://nccoe.nist.gov/sites/default/files/nccoe/MobileDeviceBuildingBlock_20140912.pdf.*

Traditionally, enterprises established boundaries to separate their trusted internal IT network(s) from untrusted external networks. When employees consume and generate corporate information on mobile devices, this traditional boundary erodes. Due to the rapid changes in today's mobile platforms, enterprises have the challenge of ensuring that mobile devices connected to their networks can be trusted to protect sensitive data as it is stored, accessed and processed, while still giving users the features they have come to expect from mobile devices.

This building block will demonstrate commercially available technologies that provide protection to both organization-issued and personally-owned mobile platforms. These technologies enable users to work inside and outside the business network with a securely configured mobile device, while allowing for granular control over the enterprise network boundary, and minimizing the impact on function. The architecture demonstrated by this building block will incorporate a modular technology stack that allows enterprises to tailor solutions to their business needs. Additional details about the mobile device building block are available at: *http://nccoe.nist.gov/sites/default/files/nccoe/MobileDeviceBuildingBlock_20140912.pdf.*

Requirements

Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section ten of the Mobile Device Security Building Block (for reference, please see the link in the PROCESS section above), and include, but are not limited to:

1. Mobile devices using modern operating systems, including but not limited to Android, iOS and Windows, to the extent possible, with a hardware root of trust
2. Enterprise mobility management suite
3. Mobile applications that can be put into a secure container and/or wrapped
4. Enterprise infrastructure which might include:
   a. Identity and access management platform
   b. Data loss prevention solution
   c. Security event and information management tool
   d. VPN gateway
   e. Certification authority

Each responding organization's letter of interest should identify how their product(s) addresses one or more of the desired security characteristics in section four of the Mobile Device Security Building Block description (for reference, please see the link in the PROCESS section above).

Additional details about the Mobile Device Building Block are available at *http://nccoe.nist.gov/?q=content/mobile-device-security.*

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the Mobile Device Security Building Block. Prospective participants' contributions to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Mobile Device Security Building Block. These descriptions will be public information.

Under the terms of the consortium CRADA, participants will commit to providing:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components
2. Support for development and demonstration of the Mobile Device Security Building Block in NCCoE facilities, which will be conducted in a manner consistent with Federal requirements (*e.g.,* FIPS 200, FIPS 201, SP 800–53, and SP 800–63)

In addition, NIST will support development of interfaces among participants' products, including IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Mobile Device Security Building Block capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve mobile device security within the enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/.*

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

[FR Doc. 2015–20040 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE106

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a webinar that is open to the public.

DATES: The GMT meeting will be held Tuesday, September, 1, 2015, from 1 p.m. until business for the day is completed.

ADDRESSES: To attend the webinar, visit: *http://www.gotomeeting.com/online/webinar/join-webinar.* Enter the Webinar ID, which is 137–066–219, and your name and email address (required). Participants are encouraged to use their telephone, as this is the best practice to avoid technical issues and excessive feedback (see the *PFMC GoToMeeting Audio Diagram* for best practices). Please use your telephone for the audio portion of the meeting by dialing this TOLL number 1+562–247–8321 (not a toll-free number); then enter the Attendee phone audio access code: 692–754–402; then enter your audio phone pin (shown after joining the webinar). System Requirements for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps).

You may send an email to *Mr. Kris Kleinschmidt* or contact him at (503) 820–2280, extension 425 for technical assistance. A public listening station will also be provided at the Pacific Council office.

Council address: Pacific Council, 7700 NE. Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Ames, Pacific Council; telephone: (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to prepare for the September 2015 Pacific Council meeting. Specific agenda topics include inseason adjustments to groundfish fisheries, electronic monitoring regulations and exempted fishing permits updates, and development of a midwater sport fishery in Oregon and California. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. Public comment will be accommodated if time allows, at the discretion of the GMT Chair. The GMT's task will be to develop recommendations for consideration by the Pacific Council at its September 9–16, 2015 meeting in Sacramento, CA.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: August 11, 2015.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–20072 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE092

Fisheries of the South Atlantic; Southeast Data, Assessment and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR Procedural Workshop 7: SEDAR Data Best Practices post-workshop webinar #3.

SUMMARY: A post workshop webinar #3 will be held as a follow up to the SEDAR Procedural Workshop 7 to develop best practice recommendations for SEDAR Data Workshops that was held on June 22–26, 2015 in Atlanta, GA. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Procedural Workshop 7 post-workshop webinar #3 will be held on Tuesday, September 1, 2015, from 10 a.m. until 12 p.m. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the procedural workshop. Such adjustments may result in the meeting being extended from, or completed prior to the time established by this notice. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES: *Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three step process including: (1) Data Workshop; (2) Assessment Process utilizing workshops and webinars; and (3) Review Workshop.

SEDAR also coordinates procedural workshops which provide an opportunity for focused discussion and deliberation on topics that arise in multiple assessments. They are structured to develop best practices for addressing common issues across assessments. The seventh procedural workshop and subsequent post workshop webinars will develop best practice recommendations for SEDAR Data Workshops.

Workshop objectives include developing an inventory of common or recurring data and analysis issues from SEDAR Data Workshops; documenting how the identified data and analysis issues were addressed in the past and identifying potential additional methods to address these issues; developing and selecting best practice procedures and approaches for addressing these issues in future, including procedures and approaches to follow when deviating from best practice recommendations; and identifying process to address future revision and evaluation of workshop recommendations, considering all unaddressed data and analysis issues. The post-workshop webinar #3 will be held to finalize best practice recommendations from the workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary

aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 11, 2015.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–20071 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for National Marine Sanctuary Advisory Councils

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: ONMS is seeking applications for vacant seats for seven of its 13 national marine sanctuary advisory councils (advisory councils). Vacant seats, including positions (*i.e.,* primary member and alternate), for each of the advisory councils are listed in this notice under Supplementary Information. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lake resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members or alternates should expect to serve two- or three year terms, pursuant to the charter of the specific national marine sanctuary advisory council.

DATES: Applications are due by September 30, 2015.

ADDRESSES: Application kits are specific to each advisory council. As such, application kits must be obtained from and returned to the council-specific addresses noted below.

• Channel Islands National Marine Sanctuary Advisory Council: Michael Murray, Channel Islands National Marine Sanctuary, University of California Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106–6155; (805) 893–6418; email *Michael.Murray@noaa.gov;* or download application from *http://channelislands.noaa.gov/sac/council_news.html.*

• Cordell Bank National Marine Sanctuary Advisory Council: Lilli Ferguson, Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950; (415) 464–5265; email *Lilli.Ferguson@noaa.gov;* or download application from *http://cordellbank.noaa.gov.*

• Florida Keys National Marine Sanctuary Advisory Council: Beth Dieveney, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 809–4700 extension 228; email *Beth.Dieveney@noaa.gov;* or download application from *http://floridakeys.noaa.gov/sac/welcome.html?s=sac.*

• Gray's Reef National Marine Sanctuary Advisory Council: Becky Shortland, Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411; (912) 598–2381; email *Becky.Shortland@noaa.gov;* or download application from *http://graysreef.noaa.gov/management/sac/council_news.html.*

• Monitor National Marine Sanctuary Advisory Council: Katherine Van Dam, Monitor National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; (757) 591–7350; email *Katherine.VanDam@noaa.gov;* or download application from *http://monitor.noaa.gov/advisory/news.html.*

• Monterey Bay National Marine Sanctuary Advisory Council: Erin Ovalle, Monterey Bay National Marine Sanctuary, 99 Pacific St., Building 455A, Monterey, CA; (831) 647–4206; email *Erin.Ovalle@noaa.gov;* or download application from *http://montereybay.noaa.gov/welcome.html.*

• Stellwagen Bank National Marine Sanctuary Advisory Council: Nathalie Ward, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; (781) 545–8026 extension 206; email *Nathalie.Ward@noaa.gov;* or download application from *http://stellwagen.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: For further information on a particular national marine sanctuary advisory council, please contact the individual identified in the Addresses section of this notice.

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for 14 marine protected areas encompassing more than 170,000 square miles of ocean and Great Lakes waters from the Hawaiian Islands to the Florida Keys, and from Lake Huron to American Samoa. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustains healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. National marine sanctuary advisory councils are community-based advisory groups established to provide advice and recommendations to the superintendents of the national marine sanctuaries on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the sanctuary. Additional information on ONMS and its advisory councils can be found at *http://sanctuaries.noaa.gov.* Information related to the purpose, policies and operational requirements for advisory councils can be found in the charter for a particular advisory council (*http://sanctuaries.noaa.gov/management/ac/council_charters.html*) and the National Marine Sanctuary Advisory Council Implementation Handbook (*http://www.sanctuaries.noaa.gov/management/ac/acref.html*).

The following is a list of the vacant seats, including positions (*i.e.,* primary member or alternate), for each of the advisory councils currently seeking applications for members and alternates:

Channel Islands National Marine Sanctuary Advisory Council: Public At-large (alternate).

Cordell Bank National Marine Sanctuary Advisory Council: Community-At-Large—Sonoma County (primary member); Community-A-Large—Sonoma County (alternate); Conservation (primary member); Conservation (alternate); Maritime Activities (primary member); and Maritime Activities (alternate).

Florida Keys National Marine Sanctuary Advisory Council: Conservation and Environment (primary member); Education and Outreach (primary member); Education and Outreach (alternate); Fishing—Commercial—Shell/Scale (primary member); Fishing—Commercial—Shell/Scale (alternate); Submerged and Cultural Resources (primary member); Submerged and Cultural Resources (alternate); Tourism—Upper Keys (primary member); and Tourism—Upper Keys (alternate).

Gray's Reef National Marine Sanctuary Advisory Council: Charter/Commercial Fishing (primary member); Conservation (primary member); K–12 Education (primary member); Non-

living Resources Research (primary member); and Sport fishing (primary member).

Monitor National Marine Sanctuary Advisory Council: Commercial/Recreational Fishing (primary member).

Monterey Bay National Marine Sanctuary Advisory Council: At-Large (alternate).

Stellwagen Bank National Marine Sanctuary Advisory Council: Business/Industry (primary member); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (alternate); Whale Watch (alternate); Youth (alternate).

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 20, 2015.

John Armor,

Acting Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–19904 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE105

Pacific Island Fisheries; Public Meeting

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

ACTION: Notice; public meetings.

SUMMARY: NMFS announces that the Center for Independent Experts (CIE) will meet to review the work quantifying bycatch in the Hawaii deep-set longline fishery, required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Endangered Species Act, Marine Mammal Protection Act, and Migratory Bird Treaty Act, and their implementing regulations.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates and times.

ADDRESSES: The meeting location is in Room 204, Hemenway Hall, University of Hawaii, 2445 Campus Road, Honolulu, HI 96822.

FOR FURTHER INFORMATION CONTACT: Christofer H. Boggs, (808) 725–5364, or *Christofer.Boggs@noaa.gov.*

SUPPLEMENTARY INFORMATION: The meeting schedule and agenda are as follows:

1. Monday, August 24, 2015 (8:30 a.m.–4 p.m.)

- Introduction
- Background information—Objectives and Terms of Reference
- Observer Program and Longline Fishery
- Review of Sampling Design
- Review of Approximation of Inclusion Probabilities
- Panel Questions and Answers
- Panel Discussions and Writing (Closed)

2. Tuesday, August 25, 2015 (8:30 a.m.–4 p.m.)

- Review of Point Estimators of Bycatch
- Review of Interval Estimators
- Panel Questions and Answers
- Panel Discussions and Writing (Closed)

3. Wednesday, August 26, 2015 (8:30 a.m.–4 p.m.)

- Review of Estimators of Dead and Seriously Injured (marine mammals)
- Review of Estimators of Subpopulation Totals
- Panel Questions and Answers
- Public Comment
- Panel Discussions and Writing (Closed)

4. Thursday, August 27, 2015 (8:30 a.m.–4 p.m.)

- Panel Discussions (Closed meeting, invitation only)

5. Friday, August 28, 2015 (8:30 a.m.–Noon)

- Panel Discussions and Present Results
- Adjourn

Although non-emergency issues not contained in this agenda may come up at the meeting for discussion, those issues may not be the subject of formal action during the meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Direct requests for sign language interpretation or other auxiliary aids to Christofer Boggs, (808) 725–5364 or *Christofer.Boggs@noaa.gov,* at least 5 days prior to the meeting date.

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

Dated: August 10, 2015.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–19962 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Socio-economics of Whale Watching in the Channel Islands Region: Survey of Whale Watching Passengers.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 1,560.

Average Hours per Response: On-site survey, 20 minutes; mail-back survey, 15 minutes.

Burden Hours: 654.

Needs and Uses: This request is for a new information collection.

NOAA is sponsoring a class project at the Bren School of Management & Science at the University of California, Santa Barbara to estimate the market and non-market economic values associated with the reduction in risk of whale strikes by different scenarios of changes in traffic lanes and/or vessel speeds for major commercial vessels operating in the region of southern California where the Channel Islands National Marine Sanctuary is located. Surveys will be conducted of the passengers aboard the for hire operation boats to obtain their market and non-market economic use values for the reduction in the risk of whale strikes. Additional information will be obtained on importance-satisfaction ratings of key natural resource attributes, facilities and services along with demographic profiles of passengers. This survey is a companion piece to a survey of the for-hire operators, approved under OMB Control No. 0648–0717, approved on 7/1/2015.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: August 11, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–20083 Filed 8–13–15; 8:45 am]

BILLING CODE 3510–NK–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 9/14/2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 6/12/2015 (80 FR 33485–33489), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to furnish the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the products to the Government.

2. The action will result in authorizing small entities to provide the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSN(s)/Product Name(s)

6650–00–NIB–0009—Complete Eyeglasses (frames and lenses). Clear plastic single vision eyewear frames and lenses. CR–39 lens material, single vision, plastic lens type. UOI is EA.

6650–00–NIB–0010—Complete Eyeglasses (frames and lenses). Clear plastic flat top 28 bifocal eyewear frames and lenses. CR–39 lens material, flat top 28, bifocal, clear lens type. UOI is EA.

6650–00–NIB–0011—35 bifocal eyewear frames and lenses. CR–39 lens material, flat top 35, bifocal, clear lens type. UOI is EA.

6650–00–NIB–0012—Complete Eyeglasses (frames and lenses). Clear plastic round 25 and round 28, eyewear frames and lenses. CR–39 lens material, round 25 and 28, clear lens type. UOI is EA.

6650–00–NIB–0013—Complete Eyeglasses (frames and lenses). Clear plastic flat top 7 x 28 eyewear frames and lenses. CR–39 lens material, flat top 7 x 28 clear lens type. UOI is EA.

6650–00–NIB–0014—Complete Eyeglasses (frames and lenses). Clear plastic flat top 8 x 35 eyewear frames and lenses. CR–39 lens material, flat top 8 x 35 clear lens type. UOI is EA.

6650–00–NIB–0015—Complete Eyeglasses (frames and lenses). Clear plastic progressives (VIP, Adaptar, Freedom, Image) eyewear frames and lenses. CR–39 lens material, progressives, clear lens type. UOI is EA.

6650–00–NIB–0016—Complete Eyeglasses (frames and lenses). Clear plastic lenticular aspheric single vision eyewear frames and lenses. CR–39 lens material, single vision aspheric lenticular lens material. UOI is EA.

6650–00–NIB–0017—Complete Eyeglasses (frames and lenses). Clear plastic flat top or round aspheric lenticular eyewear frames and lenses. CR–39 lens material, flat top or round aspheric lenticular lens type. UOI is EA.

6650–00–NIB–0018—Complete Eyeglasses (frames and lenses). Clear plastic executive bifocal eyewear frames and lenses. CR–39 lens material, executive bifocal clear lens type. UOI is EA.

6650–00–NIB–0019—Complete Eyeglasses (frames and lenses). Clear glass single vision eyewear frames and lenses. Glass lens material, single vision clear lens type. UOI is EA.

6650–00–NIB–0020—Complete Eyeglasses (frames and lenses). Clear glass flat top bifocal eyewear frames and lenses. Glass lens material, flat top 28 bifocal clear lens type. UOI is EA.

6650–00–NIB–0021—Complete Eyeglasses (frames and lenses). Clear glass flat top 35 bifocal eyewear frames and lenses. Glass lens material, flat top 35 bifocal clear lens type. UOI is EA.

6650–00–NIB–0022—Complete Eyeglasses (frames and lenses). Clear glass flat top 7 x 28 trifocal eyewear frames and lenses. Glass lens material, flat top 7 x 28 trifocal clear lens type. UOI is EA.

6650–00–NIB–0023—Complete Eyeglasses (frames and lenses). Clear glass flat top 8 x 35 trifocal eyewear frames and lenses. Glass lens material, flat top 8 x 35 trifocal clear lens type. UOI is EA.

6650–00–NIB–0024—Complete Eyeglasses (frames and lenses). Clear glass progressives (VIP, Adaptar, Freedom) eyewear frames and lenses. Glass lens material, progressive clear lens type. UOI is EA.

6650–00–NIB–0026—Complete Eyeglasses (frames and lenses). Clear single vision polycarbonate eyewear frames and lenses. Polycarbonate lens material, single vision clear lens type. UOI is EA.

6650–00–NIB–0027—Complete Eyeglasses (frames and lenses). Clear flat top 28 bifocal polycarbonate eyewear frames and lenses. Polycarbonate lens material, flat top 28 clear lens type. UOI is EA.

6650–00–NIB–0028—Complete Eyeglasses (frames and lenses). Clear flat top 35 polycarbonate eyewear frames and lenses. Polycarbonate lens material, flat top 35 clear lens type. UOI is EA.

6650–00–NIB–0029—Complete Eyeglasses (frames and lenses). Clear flat top 7 x 28 polycarbonate eyewear frames and lenses. Polycarbonate lens material, flat top 7 x 28 clear lens type. UOI is EA.

6650–00–NIB–0030—Complete Eyeglasses (frames and lenses). Clear flat top 8 x 35 polycarbonate eyewear frames and lenses. Polycarbonate lens material, flat top 8 x 35 clear lens type. UOI is EA.

6650–00–NIB–0031—Complete Eyeglasses (frames and lenses) Progressives (VIP, Adaptar, Freedom, Image) polycarbonate eyewear frames and lenses. Polycarbonate lens material, progressives, clear lens type. UOI is EA.

6650–00–NIB–0032—Lenses only, 1 pair of clear plastic single vision clear eyewear lenses. CR–39 lens material, single vision plastic clear lens type. UOI is EA.

6650–00–NIB–0033—Lenses only, 1 pair of clear plastic flat top 28 bifocal clear eyewear lenses. CR–39 lens material, flat top 28 bifocal clear lens type. UOI is EA.

6650–00–NIB–0034—Lenses only, 1 pair of clear plastic flat top 35 bifocal clear lenses. CR–39 lens material, flat top 35

bifocal clear lens type. UOI is EA.
6650–00–NIB–0035—Lenses only, 1 pair of clear plastic round 25 and round 28 clear lenses. CR–39 lens material, Round 25 and 28 clear lens type. UOI is EA.
6650–00–NIB–0036—Lenses only, 1 pair of clear plastic flat top 7 x 28 trifocal clear lenses. CR–39 lens material, flat top 7 x 28 clear lens type. UOI is EA.
6650–00–NIB–0037—Lenses only, 1 pair of clear plastic flat top 8 x 35 trifocal clear lenses. CR–39 lens material, flat top 8 x 35 clear lens type. UOI is EA.
6650–00–NIB–0038—Lenses only, 1 pair of clear plastic progressives (VIP, Adaptar, Freedom, Image) lenses. CR–39 lens material, progressive, clear lens type. UOI is EA.
6650–00–NIB–0039—Lenses only, 1 pair of clear plastic single vision aspheric lenticular lenses. CR–39 lens material, single vision aspheric lenticular lens type. UOI is EA.
6650–00–NIB–0040—Lenses only, 1 pair of clear plastic flat top or round aspheric lenticular lenses. CR–39 lens material, flat top or round aspheric lenticular lens type. UOI is EA.
6650–00–NIB–0041—Lenses only, 1 pair of clear plastic executive bifocal lenses. CR–39 lens material, executive bi-focal clear lens type. UOI is EA.
6650–00–NIB–0042—Lenses only, 1 pair of clear glass single vision lenses. Glass lens material, single vision clear lens type. UOI is EA.
6650–00–NIB–0043—Lenses only, 1 pair of clear glass bifocal flat top 28 lenses. Glass lens material, Flat Top 28, bifocal, clear lens type. UOI is EA.
6650–00–NIB–0044—Lenses only, 1 pair of clear glass bifocal flat top 35 eyewear lenses. Glass lens material, Flat Top 35, bifocal, clear lens type. UOI is EA.
6650–00–NIB–0045—Lenses only, 1 pair of clear glass trifocal flat top 7 x 28 lenses. Glass lens material, Flat Top 7 x 28, trifocal, clear lens type. UOI is EA.
6650–00–NIB–0046—Lenses only, 1 pair of clear glass trifocal flat top 8 x 35 lenses. Glass lens material, Flat Top 8 x 35, trifocal, clear lens type. UOI is EA.
6650–00–NIB–0047—Lenses only, 1 pair of clear glass progressives (VIP, Adaptar, Freedom) lenses. Glass lens material, progressive, clear lens type. UOI is EA.
6650–00–NIB–0049—Lenses only, 1 pair of clear polycarbonate single vision lenses. Polycarbonate lens material, single vision lens type. UOI is EA.
6650–00–NIB–0050—Lenses only, 1 pair of clear polycarbonate flat top 28 eyewear lenses. Polycarbonate lens material, flat top 28 clear lens type. UOI is EA.
6650–00–NIB–0051—Lenses only, 1 pair of clear polycarbonate bifocal flat top 35 lenses. Polycarbonate lens material, flat top 35 clear lens type. UOI is EA.
6650–00–NIB–0052—Lenses only, 1 pair of clear polycarbonate trifocal flat top 7 x 28 lenses. Polycarbonate lens material, flat top 7 x 28, clear lens type. UOI is EA.
6650–00–NIB–0053—Lenses only, 1 pair of clear polycarbonate trifocal flat top 8 x 35 lenses. Polycarbonate lens material, flat top 8 x 35, clear lens type. UOI is EA.
6650–00–NIB–0054—Lenses only, 1 pair of polycarbonate progressives (VIP, Adaptar, Freedom, Image) lenses. Polycarbonate lens material, progressives, clear lens type. UOI is EA.
6650–00–NIB–0055—Plastic transition tints and coating. CR–39 or polycarbonate lens material; Single vision or multi-focal lens type. UOI is EA.
6650–00–NIB–0056—Photochromatic/transition (Polycarbonate material) tints and coating. Polycarbonate lens material; Single vision or multifocal lens type. UOI is EA.
6650–00–NIB–0057—Photogrey tints and coating. Glass lens material. Single vision or multi-focal lens type. UoI is EA.
6650–00–NIB–0058—High index transition tints and coating. CR–39 lens material. Single vision or multi-focal lens type. UOI is EA.
6650–00–NIB–0059—Anti-reflective coating. CR–39 or polycarbonate lens material; Single vision or multi-focal lens type. UOI is EA.
6650–00–NIB–0060—Ultraviolet coating. CR–39 lens material; Single vision or multifocal lens type. UOI is EA.
6650–00–NIB–0061—CR–39 lens material. (single vision) tints and coating for polarized lenses. Single vision or multi-focal lens type. UOI is EA.
6650–00–NIB–0062—Lens add-on. CR–39 or polycarbonate lens material. Single vision or multi-focal lens type. UOI is EA.
6650–00–NIB–0063—Lens add-on. High index lens material. Single vision or multifocal lens type. UOI is EA.
6650–00–NIB–0064—Lens add-on. Prism (up to 6 diopters no charge) >6 diopters/per diopter. CR–39 or polycarb lens material. UOI is EA.
6650–00–NIB–0065—Lens add-on. Diopter + or − 9.0 and above. CR–39 lens material. UOI is EA.
6650–00–NIB–0066—Lens add-on. Oversize eye lenses greater than 58 excluding progressive. Roll and polish edge; CR–39 lens material and polycarbonate lens type. UOI is EA.
6650–00–NIB–0067—Lens add-on. Hyper 3 drop single vision. CR–39 lens material; Multi-focal lens type. UOI is EA.
6650–00–NIB–0068—Lens add-on. Add powers over 4.0. CR–39 lens material; Multifocal lens type. UOI is EA.
6650–00–NIB–0069—Metal or plastic eyeglass frame without the lenses. Frame only. UOI is EA.

Mandatory for: 100% of the requirement of the Department of Veteran's Affairs (VA) Orlando VA Medical Center; Viera VA Outpatient Clinic, Viera, FL and William V. Chappell, Jr. VA Outpatient Clinic, Daytona Beach, FL.

Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC.

Contracting Activity: Department of Veterans Affairs, 248–Network Contract Office 8, Hines, IL.

Distribution: C-List.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2015–20106 Filed 8–13–15; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–43]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–43 with attached Policy Justification and Sensitivity of Technology.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12th STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUL 28 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-43, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $5.4 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 15–43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$4.600 billion
Other	$ .800 billion
TOTAL	$5.400 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Six hundred (600) Patriot Advanced Capability-3 (PAC–3) Cost Reduction Initiative (CRI) Missiles with containers, eight (8) PAC–3 CRI Test Missiles for fly-to-buy. Also included are PAC–3 Telemetry Kits, PAC–3 Guidance Enhanced Missile (GEM) Flight Test Target/Patriot as a Target (PAAT) missiles, Fire Solution Computers, Launcher Modification Kits, PAC–3 Missile Round Trainers, PAC–3 Slings, Patriot Automated Logistics System (PALS) Kits, Shorting Plugs, spare and repair parts, lot validation and range support, support equipment, repair and return, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor technical and logistics support services, and other related elements of logistics and program support.

(iv) *Military Department:* Army (ZAB)

(v) *Prior Related Cases, if any:* FMS case UAK–$991M–30Nov90

FMS case JBV–$2.7B–16Dec92
FMS case ZAA–$1.3B–8Apr15

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex Attached.

(viii) *Date Report Delivered to Congress:* 28 July 2015

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia (KSA)—Patriot Advanced Capability–3 (PAC–3) Missiles and Support Equipment

The Kingdom of Saudi Arabia has requested a possible sale of six hundred (600) Patriot Advanced Capability-3 (PAC–3) Cost Reduction Initiative (CRI) Missiles with containers, eight (8) PAC–3 CRI Test Missiles for fly-to-buy. Also included are PAC–3 Telemetry Kits, PAC–3 Guidance Enhanced Missile (GEM) Flight Test Target/Patriot as a Target (PAAT) missiles, Fire Solution Computers, Launcher Modification Kits, PAC–3 Missile Round Trainers, PAC–3 Slings, Patriot Automated Logistics System (PALS) Kits, Shorting Plugs, spare and repair parts, lot validation and range support, support equipment, repair and return, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor technical and logistics support services, and other related elements of logistics and program support. The estimated total cost is $5.4 billion.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a partner which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale will modernize and replenish Saudi Arabia's current Patriot missile stockpile, which is becoming obsolete and difficult to sustain due to age and limited availability of repair parts. The purchase of the PAC–3 missiles will support current and future defense missions and promote stability within the region. Saudi Arabia, which already has Patriot missiles in its inventory, will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Missiles and Fire Control in Dallas, Texas; and Raytheon Corporation in Tewksbury, Massachusetts. Although offsets are requested, they are unknown at this time and will be determined during negotiations between Saudi Arabia and the contractor.

Implementation of this sale will require approximately thirty (30) U.S. Government and forty (40) contractor representatives to travel to Saudi Arabia for up to sixty (60) months for equipment de-processing, fielding, system checkout, training, and technical logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Patriot Air Defense System contains hardware components and critical/sensitive technology classified Confidential. The Patriot Advanced Capability-3 (PAC–3) Cost Reduction Initiative (CRI) Missile Four-Pack is classified Confidential, and the improved PAC–3 launcher hardware is Unclassified. The missiles requested represent significant technological advances for the existing Saudi Arabia Patriot system capabilities. With the incorporation of the PAC–3 missile, the Patriot System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The PAC–3 sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development, and/or manufacturing data related to certain components. The list of components is classified Confidential.

3. Information on system performance capabilities, effectiveness, survivability, PAC–3 Missile seeker capabilities, select software/software documentation and test data are classified up to and including Secret.

4. Loss of this hardware, software, documentation and/or data could permit development of information which may lead to a significant threat to future U.S. military operations. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

5. A determination has been made that Saudi Arabia can provide substantially the same degree of protection for this technology as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2015–20062 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–46]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–46 with attached Policy Justification.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUL 29 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-46, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost $500 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 15–46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) (U) *Prospective Purchaser:* Kingdom of Saudi Arabia

(ii) (U) *Total Estimated Value:*

Major Defense Equipment *	$150 million
Other	$350 million
TOTAL	$500 million

(iii) (U) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

(1,000,000) 430/M430A1 40mm High Explosive Dual Purpose (HEDP) Cartridges

(60,000) M456A1 105mm High Explosive Anti-Tank Tracer (HEAT–T) Cartridges

(60,000) M107 155mm High Explosive (HE) Projectiles

Additional items included are M62 7.62mm 4 Ball/1 Tracer Linked Cartridges, .50 Cal Linked Cartridges (4 Armor Piercing Incendiary (API)/1 Armor Piercing Incendiary Tracer (API–T)), M792 25mm High Explosive Incendiary Tracer (HEI–T) Cartridges, M789 30mm High Explosive Dual Purpose (HEDP) Cartridges, M889A2 81mm High Explosive (HE) Cartridges with M783 Fuzes, 2.75 Inch Rockets with M151 High Explosive (HE) Warhead and Point-Detonating (PD) Fuzes, 105mm High Explosive (HE) M1 Cartridges without Fuzes, M557 Point-Detonating (PD) Fuzes, M4A2 155mm Propellant Charges, M3A1 155mm Propellant Charges, M82 Percussion Primers, M1A2 Bangalore Torpedoes, M18A/M18A1 Claymore Mines, M67 Fragmentation Hand Grenades, and Guided Precision Aerial Delivery System (GPADS).

Also included are spare and repair parts, lot validation, publications and technical documentation, personnel training/training equipment, Quality Assurance Team, U.S. Government and contractor technical/logistics support services, and other related elements of logistics and program support.

(iv) (U) *Military Department:* Army (VBQ, Amendment 2)

(v) (U) *Prior Related Cases, if any:*
FMS case UKB—$23.1M—12 Feb 75
FMS case VES—$307K—08 Mar 83
FMS case VJK—$22.7M—23 Jan 89
FMS case VMG—$7.2M—05 Sep 90
FMS case JAS—$15.5M—30 Nov 90
FMS case VTY—$13.7M—12 Oct 07
FMS case VCH—$9.3M—24 Mar 11
FMS case WAL—$2.7B—17 Oct 11

(vi) (U) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) (U) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) (U) *Date Report Delivered to Congress:* 29 July 2015

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

(U) Kingdom of Saudi Arabia (KSA)—Ammunition for the Royal Saudi Land Forces (RSLF)

(U) The Kingdom of Saudi Arabia has requested a possible sale of (1,000,000) 430/M430A1 40mm High Explosive Dual Purpose (HEDP) Cartridges, (60,000) M456A1 105mm High Explosive Anti-Tank Tracer (HEAT–T) Cartridges, and (60,000) M107 155mm High Explosive (HE) Projectiles. Additional items included are M62 7.62mm 4 Ball/1 Tracer Linked Cartridges, .50 Cal Linked Cartridges (4 Armor Piercing Incendiary (API)/1 Armor Piercing Incendiary Tracer (API–T)), M792 25mm High Explosive Incendiary Tracer (HEI–T) Cartridges, M789 30mm High Explosive Dual Purpose (HEDP) Cartridges, M889A2 81mm High Explosive (HE) Cartridges with M783 Fuzes, 2.75 Inch Rockets with M151 High Explosive (HE) Warhead and Point-Detonating (PD) Fuzes, 105mm High Explosive (HE) M1 Cartridges without Fuzes, M557 Point-Detonating (PD) Fuzes, M4A2 155mm Propellant Charges, M3A1 155mm Propellant Charges, M82 Percussion Primers, M1A2 Bangalore Torpedoes, M18A/M18A1 Claymore Mines, M67 Fragmentation Hand Grenades, and Guided Precision Aerial Delivery System (GPADS). Also included are spare and repair parts, lot validation, publications and technical documentation, personnel training/training equipment, Quality Assurance Team, U.S. Government and contractor technical/logistics support services, and other related elements of logistics and program support. The estimated total cost is $500 million.

(U) This proposed sale will enhance the foreign policy and national security objectives of the United States by helping to improve the security of a strategic partner which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

(U) The proposed sale will resupply the RSLF with the munitions they need to continue to protect their country's southern border from ongoing attacks by hostile Houthi militia and Al-Qaida in the Arabian Peninsula forces. The KSA will have no difficulty absorbing these items into its inventory.

(U) The proposed sale of this ammunition will not alter the basic military balance in the region.

(U) The principal contractor for GPADS will be Airborne Systems North America in Pennsauken, New Jersey. The remaining items will be procured from a combination of Army stocks and new procurement. The principal contractors for these items are unknown at this time. There are no known offset agreements proposed in connection with this potential sale.

(U) Implementation of this sale will not require the assignment of any additional U.S. Government or contractor representatives to Saudi Arabia. However, travel may be required for new equipment set up, training, and technical support. The number and duration will be determined during contract negotiations.

(U) There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2015–20057 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–30]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–30 with attached Policy Justification.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

AUG 0 4 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-30, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Bahrain for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 15–30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Bahrain

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$ 150 million
TOTAL	$ 150 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* a proposed sale for follow on support for Bahrain's existing F–16 fleet. Support will include support equipment, communications equipment, ammunition, personal training and training equipment, spare and repair parts, publications and technical documentation, Electronic Combat International Security Assistance Program, U.S. Government and contractor technical, logistics, and engineering support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (QAT, Amendment 18)

(v) *Prior Related Cases, if any:*
FMS case QAT–$153M–11Feb00
FMS case SGA–$301M–21Apr87
FMS case SGG–$193M–20Feb98

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 4 August 2015

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Bahrain—F–16 Follow-On Support

The Government of Bahrain has requested a possible sale of follow on support for Bahrain's existing F–16 fleet. Support will include support equipment, communications equipment, ammunition, personal training and training equipment, spare and repair parts, publications and technical documentation, Electronic Combat International Security Assistance Program, U.S. Government and contractor technical, logistics, and engineering support services, and other related elements of logistics and program support. The estimated cost is $150 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping improve the security of a Major Non-NATO Ally, which has been and continues to be a key security partner in the region.

The follow-on support is required to maintain the operational readiness of the Royal Bahrain Air Force's (RBAF) F–16 fleet. The RBAF's F–16s are aging and periodic maintenance is becoming increasingly expensive. The age of the fleet, combined with an increased operational tempo due to recent involvement in Operation Inherent Resolve has led to increased focus on maintenance and sustainment. Bahrain will have no difficulty absorbing this additional support into its armed forces.

The principal contractor is unknown at this time. Contracts will be awarded when source of supply determines that defense articles and services are not available from stock or considered lead-time away. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. or contractor representatives in Bahrain.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2015–20054 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Military Family Readiness Council; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce a Federal advisory committee meeting of the Department of Defense Military Family Readiness Council. This meeting will be open to the public.

DATES: Thursday, September 17, 2015, from 1:00 p.m. to 3:30 p.m.

ADDRESSES: Pentagon Conference Center B6 (escorts will be provided from the Pentagon Metro entrance).

FOR FURTHER INFORMATION CONTACT: Ms. Melody McDonald or Ms. Yuko Whitestone, Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy), 4800 Mark Center Drive, Alexandria, VA 22350–2300, Room 3G15. Telephones (571) 372–0880; (571) 372–0881 and/or email: OSD Pentagon OUSD P–R Mailbox Family Readiness Council: *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The purpose of the Council meeting is to review and make recommendations to the Secretary of Defense regarding policy and plans; monitor requirements for the support of military family readiness by the Department of Defense; evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space. Persons desiring to attend may contact Ms. Melody McDonald at 571–372–0880 or email OSD Pentagon OUSD P–R Mailbox Family Readiness Council, *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil,* no later than 5:00 p.m., on Friday, September 11, 2015 to arrange for escort inside the Pentagon to the Conference Room area.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the Council. Persons desiring to submit a written statement to the Council must notify the point of contact listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 5:00 p.m., on Thursday, September 3, 2015.

The purpose of this meeting is to continue discussion of Military Family Readiness Council focus items for 2015.

Thursday, September 17, 2015 Meeting Agenda

Welcome & Administrative Remarks
Review of 2014 Council Business
Discussion of 2015 Military Family Readiness Issues
Member Discussion and Deliberation on Council Recommendations
Closing Remarks

Note: Exact order may vary.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–20123 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce an open meeting of the Strategic Environmental Research and Development Program, Scientific Advisory Board (SAB). This meeting will be open to the public.

DATES: Wednesday, September 9, 2015, from 8 a.m. to 4:55 p.m. and Thursday, September 10, 2015, from 9 a.m. to 4:55 p.m.

ADDRESSES: 901 N. Stuart Street, Suite 200, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Anne Andrews, SERDP Office, 4800 Mark Center Drive, Suite 17D08, Alexandria, VA 22350–3605; or by telephone at (571) 372–6565.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. This notice is published in accordance with Section 10(a)(2) of the Federal Advisory

Committee Act (Pub. L. 92–463). Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

The purpose of the September 9–10, 2015 meeting is to review new start research and development projects requesting Strategic Environmental Research and Development Program funds as required by the SERDP Statute, U.S. Code Title 10, Subtitle A, Part IV, Chapter 172, § 2904. The full agenda follows:

Agenda for September 9, 2015

8 a.m.	Convene/Opening Remarks	Dr. Joseph Hughes, Chair.
8:10 a.m.	Program Update	Dr. Anne Andrews, Acting Executive Director.
8:25 a.m.	Resource Conservation and Climate Change Overview	Dr. John Hall, Resource Conservation and Climate Change, Program Manager.
8:35 a.m.	16 RC01–012 (RC–2634): Effects of Climate Change on Plague Exposure Pathways and Resulting Disease Dynamics (FY16 New Start).	Dr. Tonie Rocke, USGS National Wildlife Health Center, Madison, WI.
9:20 a.m.	16 RC01–020 (RC–2635): Leptospirosis in Endangered Island Foxes and California Sea Lions: Outbreak Prediction and Prevention in a Changing World (FY16 New Start).	Dr. James Lloyd-Smith, University of California, Los Angeles, Los Angeles, CA.
10:05 a.m.	Break	
10:20 a.m.	16 RC01–027 (RC–2636): Climate Changes Impacts on Fire Regimes, Plant Invasions, and Tick-Borne Diseases (FY16 New Start).	Dr. Brian Allan, University of Illinois Urbana-Champaign, Urbana, IL.
11:05 a.m.	16 RC01–031 (RC–2637): Understanding Climatic Controls of Blacklegged Ticks and Lyme Disease: Experiments and Models to Quantify Risk in a Changing Climate (FY16 New Start).	Dr. Richard Ostfeld, Cary Institute of Ecosystem Studies, Millbrook, NY.
11:50 a.m.	Lunch	
12:50 p.m.	16 RC01–044 (RC–2638): Effects of Climate on Host-Pathogen Interactions in Chytridiomycosis (FY16 New Start).	Dr. Corinne Richards-Zawacki, Tulane University, New Orleans, LA.
1:35 p.m.	16 RC01–045 (RC–2639): The Role of Phenology and Phenology Change in the Transmission of Arthropod-Borne Diseases: Implications for Management on Military Lands (FY16 New Start).	Dr. Sharon Bewick, University of Maryland, College Park, College Park, MD.
2:20 p.m.	Break	
2:35 p.m.	Resource Conservation and Climate Change Overview	Dr. John Hall, Resource Conservation and Climate Change, Program Manager.
2:45 p.m.	16 RC03–001 (RC–2644): Advancing Best Practices for the Analysis of the Vulnerability of Military Installations in the Pacific Basin to Coastal Flooding Under a Changing Climate (FY16 New Start).	Dr. John Marra, NOAA NESDIS NCEI, Honolulu, HI.
3:30 p.m.	Resource Conservation and Climate Change Overview	Dr. John Hall, Resource Conservation and Climate Change, Program Manager.
3:40 p.m.	15 RC02–034 (RC–2546): Next-Generation Intensity-Duration-Frequency Curves Considering Spatiotemporal Non-Stationarity in Climate, Intense Precipitation Events, and Snowmelt (FY15 New Start).	Dr. Mark Wigmosta, Pacific Northwest National Laboratory, Richland, WA.
4:25 p.m.	Strategy Session	Dr. Anne Andrews, Acting Executive Director.
4:40 p.m.	Update From SERDP Climate Change Program Review and NOAA Partnership Meeting	SAB Members.
4:55 p.m.	Public Discussion/Adjourn for the day	

Agenda for September 10, 2015

9 a.m.	Convene/Opening Remarks	Dr. Joseph Hughes, Chair.
9:10 a.m.	Environmental Restoration Overview	Dr. Andrea Leeson, Environmental Restoration, Program Manager.
9:20 a.m.	16 ER01–006 (ER–2617): Measuring and Predicting the Natural and Enhanced Rate and Capacity of Abiotic Reduction of Munition Constituents (FY16 New Start).	Dr. Pei Chiu, University of Delaware, Newark, DE.
10:05 a.m.	16 ER01–010 (ER–2618): Compound Specific Isotope Analysis of Mineral-Mediated Abiotic Reduction of Nitro Compounds (FY16 New Start).	Dr. William Arnold, University of Minnesota, Minneapolis, MN.
10:50 a.m.	Break	
11:05 a.m.	16 ER01–018 (ER–2619): Characterization of Enhanced Subsurface Abiotic Reactivity With Electrical Resistivity Tomography/Induced Polarization (FY16 New Start).	Dr. Jim Szecsody, Pacific Northwest National Laboratory, Richland, WA.
11:50 a.m.	Lunch	
12:20 p.m.	16 ER01–020 (ER–2620): Emerging Core Concepts for Assessment and Enhancement of Abiotic Natural Attenuation of Groundwater Contaminants (FY16 New Start).	Dr. Paul Tratnyek, Oregon Health & Science University, Portland, OR.
1:05 p.m.	16 ER01–029 (ER–2622): Abiotic Transformation of Chloroethenes in Low Permeability Formations (FY16 New Start).	Dr. David Freedman, Clemson University, Clemson, SC.
1:50 p.m.	Break	
2:05 p.m.	16 ER01–027 (ER–2621): Field Assessment of Abiotic Attenuation Rates Using Chemical Reactivity Probes and Cryogenic Core Collection (FY16 New Start).	Dr. Richard Johnson, OHSU, Portland, OR.
2:50 p.m.	Weapons Systems and Platforms Overview	Dr. Robin Nissan, Weapons Systems and Platforms, Program Manager.
3 p.m.	16 WP01–004 (WP–2600): Acoustic and Flowfield Measurements for a Military Tactical Aircraft Afterburning Turbofan Engine (FY16 New Start).	Mr. Jason Kiiskila, GE Aviation, Cincinnati, OH.

3:45 p.m.	Break	
4 p.m.	Weapons Systems and Platforms Overview	Dr. Robin Nissan, Weapons Systems and Platforms, Program Manager.
4:10 p.m.	16 WP03–002 (WP–2604): Alternative Mixing Technology for Environmentally Friendly Plastic Bonded Explosive Formulations (FY16 New Start).	Dr. Eric Beckel, U.S. Army ARDEC, Picatinny Arsenal, NJ.
4:55 p.m.	Public Discussion/Adjourn	

Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Strategic Environmental Research and Development Program, Scientific Advisory Board. Written statements may be submitted to the committee at any time or in response to an approved meeting agenda.

All written statements shall be submitted to the Designated Federal Officer (DFO) for the Strategic Environmental Research and Development Program, Scientific Advisory Board. The DFO will ensure that the written statements are provided to the membership for their consideration. Contact information for the DFO can be obtained from the GSA's FACA Database at *http://www.facadatabase.gov/.* Time is allotted at the close of each meeting day for the public to make comments. Oral comments are limited to 5 minutes per person.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–20066 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–53]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–53 with attached Policy Justification and Sensitivity of Technology.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

AUG 0 4 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-53, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $1.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–53

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment ...	$0.361 billion
Other	$1.139 billion
TOTAL	$1.500 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

—Two (2) AEGIS Weapon Systems (AWS) MK 7

—One (1) J7 AWS Computer Program

—Two (2) ship sets Multi-Mission Signal Processor (MMSP)

—Two (2) ship sets AN/MK8 MOD4 AEGIS Common Display System (CDS)

—Two (2) ship sets AN/SPQ–15 Digital Video Distribution System and Common-Processor System (CPS)

—Two (2) ship sets AWS Computing Infrastructure MK1 MOD4

—Two (2) ship sets Operational Readiness Test System (ORTS) hosted in AWS computing infrastructure

—Two (2) MK 99 MOD 8 Fire Control Systems (FCS)

—Two (2) ship sets AN/SPG–62A Radar, Ballistic Missile Defense including

Mission Planner blade server processors hosted in CPS
—Two (2) Kill Assessment System/ Weapon Data Recording Cabinets (KAS/WDRC)
—Two (2) ship sets Mode 5/S capable Identification Friend or Foe (IFF)
—Two (2) ship sets MK 36 MOD 6 Decoy Launching System
—Two (2) ship sets AN/SQQ–89A (V) 15 Underwater Surveillance and Communication System
—Two (2) Global Positioning System (GPS) Navigation systems with OE–553/U antenna
—Two (2) ship sets AN/SSN–6F (V) 4 Navigation Sensor System Interface (NAVSSI)
—Two (2) ship sets WSN–7(V) Inertial Navigation System (INS)
—Two (2) ship sets AN/URC–141(V) 3(C) Multifunctional Information Distribution System (MIDS) Radio Set
—Two (2) ship sets AN/UYQ–86(V) 6 Common Data Link Management System (CDLMS)
—Two (2) ship sets AN/SQQ–89A (v) 15J Underwater Weapon System (UWS)
—Two (2) ship sets Gigabit Ethernet Data Multiplex System (GEDMS)
—Two (2) ship sets Maintenance Assist Modules (MAM) cabinets for Fire Control and Combat Systems equipment
—Two (2) ship sets Multi-Function Towed Array (MFTA) and associated OK–410(V)3/SQR handling equipment
—Two (2) ship sets of Vertical Launching System (VLS)
—MK41 components for Direct Commercial Sale (DCS) launcher to support Ballistic Missile Defense (BMD) missions employing the Standard Missile 3 (SM–3)
—Two (2) ship sets Launch Control Units (LCU) MK 235 Mod 9 with VLS GPS Integrator (VGI)
—VLS launcher components including twenty-four (24) MK 448 Mod 1 Motor Control Panels
—Four (4) Programmable Power Supplies MK 179 Mod 0
—Twenty-four (24) Launch Sequencers MK 5 Mod 1
—Four (4) Fiber Optic Distribution Boxes (FODB)
—Twenty-four (24) Single Module Junction Boxes
—Two (2) ship sets Gun Weapon System MK 34
—Two (2) ship sets MK 20 Electro-Optical Sensor System (EOSS)
—Two (2) ship sets of Cooperative Engagement Capability (CEC)
—Two (2) ship sets Global Command and Control System-Maritime (GCCS–M)
—Two (2) ship sets AN/SPQ–9B Radar
—Two (2) ship sets Enhanced AEGIS Combat Systems Trainer (ACTS) with communication suite
—Two (2) ship sets technical documentation

Also included are two (2) ship sets installation support material, special purpose test equipment and systems engineering, technical services, on-site vendor assistance, spare parts, systems training and staging services necessary to support ship construction and delivery.

(iv) *Military Department:* U.S. Navy (LZU)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be sold:* See Annex attached

(viii) *Date Report Delivered to Congress:* 4 August 2015

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—DDG (guided missile destroyer) 7 and 8 AEGIS Combat System (ACS), Underwater Weapon System (UWS), and Cooperative Engagement Capability (CEC)

The Government of Japan has requested a possible sale of two (2) ship sets of the MK 7 AEGIS Weapon System, AN/SQQ–89A (v) 15J UWS and CEC. Additional items include associated equipment, training and support for its Japan Fiscal Year (JFY) 2015 and JFY2016 new construction destroyers (DDGs). The ACS and associated support will be procured over a six (6) to seven (7) year period, as approved by Japan in budgets for JFY2015 and JFY2016. The estimated value of this proposed sale is $1.5 billion.

The ACS/UWS/CEC support ship construction for a new ship class of DDGs based upon a modified Atago-class hull (Ship Class not yet named) and a new propulsion system. The equipment and services to be provided include: two (2) ship sets of installation support material and special purpose test equipment, as well as the systems engineering, technical services, on-site vendor assistance, spare parts, systems training and staging services necessary to support ship construction and delivery. Post-construction Combat System Qualification Testing is expected to be procured in a future Foreign Military Sales (FMS) case.

Major Defense Equipment (MDE) includes:

—Two (2) AEGIS Weapon Systems (AWS) MK 7
—One (1) J7 AWS Computer Program
—Two (2) ship sets Multi-Mission Signal Processor (MMSP)
—Two (2) ship sets AN/MK8 MOD4 AEGIS Common Display System (CDS)
—Two (2) ship sets AN/SPQ–15 Digital Video Distribution System and Common Processor System (CPS)
—Two (2) ship sets AWS Computing Infrastructure MK 1 MOD4
—Two (2) ship sets Operational Readiness Test System (ORTS) hosted in AWS computing infrastructure
—Two (2) MK 99 MOD 8 Fire Control Systems
—Two (2) ship sets AN/SPG–62A Radar, Ballistic Missile Defense (BMD) including Mission Planner blade server processors hosted in the CPS
—Two (2) Kill Assessment System/ Weapon Data Recording Cabinets (KAS/WDRC)
—Two (2) ship sets Mode 5/S capable Identification Friend or Foe (IFF) System
—Two (2) ship sets MK 36 MOD 6 Decoy Launching System
—Two (2) ship sets AN/SQQ–89A (V) 15 Underwater Surveillance and Communication System
—Two (2) Global Positioning Satellite (GPS) Navigation systems with OE–553/U antenna
—Two (2) ship sets AN/SSN–6F (V) 4 Navigation Sensor System Interface (NAVSSI)
—Two (2) ship sets WSN–7(V) Inertial Navigation System (INS)
—Two (2) ship sets AN/URC–141(V) 3(C) Multifunctional Information Distribution System (MIDS) Radio Set
—Two (2) ship sets AN/UYQ–86(V) 6 Common Data Link Management System (CDLMS)
—Two (2) ship sets AN/SQQ–89A (v) 15J UWS
—Two (2) ship sets Gigabit Ethernet Data Multiplex System (GEDMS)
—Two (2) ship sets Maintenance Assist Modules (MAMs) cabinets for Fire Control and Combat Systems equipment
—Two (2) ship sets Multi-Function Towed Array (MFTA) and associated OK–410(V)3/SQR handling equipment
—Two (2) ship sets of Vertical Launching System (VLS)
—MK41 components for Direct Commercial Sales (DCS) launcher to support BMD missions employing the Standard Missile 3 (SM–3)
—Two (2) ship sets Launch Control Units (LCU) MK 235 Mod 9 with Vertical Launching System (VLS) Global Positioning System (GPS) Integrator (VGI)

—VLS launcher components including twenty-four (24) MK 448 Mod 1 Motor Control Panel
—Four (4) Programmable Power Supplies MK179 Mod 0
—Twenty-four (24) Launch Sequencers MK 5 Mod 1
—Four (4) Fiber Optic Distribution Boxes (FODB)
—Twenty-four (24) Single Module Junction Boxes
—Two (2) ship sets Gun Weapon System MK 34
—Two (2) ship sets MK 20 Electro-Optical Sensor System (EOSS)
—Two (2) ship sets of Cooperative Engagement Capability (CEC)
—Two (2) ship sets Global Command and Control System-Maritime (GCCS–M)
—Two (2) ship sets AN/SPQ–9B Radar
—Two (2) ship sets Enhanced AEGIS Combat Systems Trainer (ACTS) with communication suite
—Two (2) ship sets technical documentation

Japan continues to modernize its fleet to support Integrated Air and Missile Defense (IAMD) roles and special mission requirements. The addition of two (2) new AEGIS DDGs will fulfill Japan's mission goal of acquiring eight (8) ballistic missile defense capable ships and will further enhance interoperability with the U.S. Navy, build upon a longstanding cooperative effort with the United States, and provide enhanced capability with a valued partner in a geographic region of critical importance to Japan and the U.S. Government.

The proposed sale to Japan will represent an important commitment by the U.S. Government in furtherance of foreign policy and national security goals for both the United States and Japan. Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to the U.S. national interest to assist Japan in developing and maintaining a strong and ready self-defense capability. This proposed sale is consistent with U.S. foreign policy and national security objectives and the 1960 Treaty of Mutual Cooperation and Security.

The addition of two (2) new AEGIS DDGs to Japan's fleet will afford more flexibility and capability to counter regional threats and continue to enhance stability in the region. Japan currently operates AEGIS ships and is proficient at using evolving ballistic missile defense capability and effective at employing the AN/SQQ–89 UWS for undersea surveillance and detection. Japan has demonstrated the capability and commitment necessary to incorporate CEC into its fleet and will capably assimilate this technology into its operations.

The proposed sale of these combat systems will not alter the basic military balance in the region.

The prime contractors will be Lockheed Martin, with offices based in Moorestown, NJ; Syracuse, NY; and Manassas, VA per sole source request from Japan as the primary AEGIS System Contractor for JFY 2015 and JFY 2016 DDG Class Ships. Japan has also requested Data Link Solutions, Cedar Rapids, IA be designated as the sole source prime contractor for the Multifunctional Information Distribution System (MIDS) on Ships (MOS) to reduce the cost of sparing and logistics for its AEGIS Ships. There are also a significant number of companies under contract with the U.S. Navy that will provide components and systems as well as engineering services during the execution of this effort.

Japanese industry has requested participation with U.S. industry as sub-contractors under the FMS case on a limited basis to provide selected components and software. Japanese industry sourced items are: 1) TR–343 Equivalent Replacement Sonar Transducers for SQS–53C sonar by NEC, 2) Partial AEGIS Display System application software by MHI, and 3) Partial AEGIS Display System Hardware and Common Display System hardware by Fujitsu. The Japan sourced products will be subject to product qualification, export control or other requirements for use in FMS-provided systems. The U.S. Navy retains the option to use U.S. Navy Programs of Record to source products or services as required to meet program requirements. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require travel of U.S. Government or contractor representatives to Japan on a temporary basis for program technical support and management oversight.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–53

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*

1. The AEGIS Weapon System is a multi-mission combat system providing Integrated Air and Missile Defense (IAMD) for surface ships. This sale involves AEGIS Weapon System (AWS) Baseline 9 with integrated Ballistic Missile Defense (BMD).

2. AWS software, documentation, combat system training, and technical services/documentation will be provided at classification levels up to and including SECRET.

3. AWS Baseline 9 hardware includes Common Display System (CDS), Common Processing System (CPS) and Multi-Mission Signal Processor (MMSP). This hardware is UNCLASSIFIED.

4. AN/SQQ–89A (V) 15J is an integrated, active and passive underwater surveillance, detection, tracking and underwater fire control system. The system incorporates the Multi-Function Towed Array (MFTA) providing enhanced passive underwater detection and tracking capability above and below the thermocline layer. It also interfaces with the SH–60 helicopter carried onboard Japanese DDGs to enhance detection and weapon delivery capability against a submerged adversary at longer ranges. The AN/SQQ–89 UWS is installed aboard existing Japanese Atago-class DDGs.

5. AN/SQQ–89A(V)15J software delivery is SECRET. In addition to the software, documentation, combat system training, and technical services/documentation will be provided at classification levels up to and including SECRET.

6. CEC is a real-time sensor netting system that enables high quality situational awareness and integrated fire control capability. CEC is designed to enhance the Anti-Air-Warfare (AAW) capability of ships and aircraft by the netting of battle force sensors to provide a single, distributed AAW defense capability. CEC enables Integrated Fire Control to counter increasingly capable cruise missiles and manned aircraft. The CEC system makes it possible for multiple surface ships and aircraft to form an air defense network by sharing radar target measurements in real-time.

7. CEC software delivery is SECRET. In addition to the software, documentation, combat system training, and technical services/documentation will be provided at classification levels up to and including SECRET.

8. AN/SPQ–9B is dual-band surface search and fire control radar capable of providing surface and low altitude air track information the AEGIS Weapons Control System and to the MK160 GFCS.

9. AN/SPQ–9B software delivery is SECRET. In addition to the software, documentation, combat system training, and technical services/documentation

will be provided at classification levels up to and including SECRET.

10. AN/UPX–29 is an Identification Friend or Foe (IFF) digital transponder and is also used for the safe operation of military aircraft in civilian airspace. The AN/UPX–29 meets all United States and North Atlantic Treaty Organization (NATO) mode 5 requirements. The hardware is unclassified, however, associated key mat is classified as Secret. Japan currently has the AN/UPX–29 installed on other surface ships and is in the process of receiving the mode 5 upgrade.

11. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

12. A determination has been made that Japan is capable of providing substantially the same degree of protection for the sensitive technology being released as the U.S. Government. The sale is necessary to advance the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 2015–20053 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 15–39]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–39 with attached Policy Justification.

Dated: August 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

JUL 28 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-39, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $335 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 15–39

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The United Arab Emirates (UAE)

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$57 million
Other	$278 million
TOTAL	$ 335 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* four (4) AN/AAQ 24(V) Directional Infrared Countermeasures (DIRCM) systems for its Head of State aircraft. The sale consists of: twenty (20) Small Laser Transmitter Assemblies, ten (10) System Processors, and thirty (30) AN/AAR–54 Missile Warning System sensors. The sale also includes Control Interface Units (CIU), Selective Availability Anti-Spoofing Modules (SAASM), Classified User Data Module (UDM) cards, support and test equipment, spare and repair parts, publications and technical documentation, repair and return, Group A and B installation, flight test and certification, personnel training and training equipment, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (QAH)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 28 July 2015

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates (UAE)—AN/AAQ 24(V) Directional Infrared Countermeasures (DIRCM) Systems

The United Arab Emirates has requested a possible sale of four (4) AN/AAQ 24(V) Directional Infrared Countermeasures (DIRCM) systems for its Head of State aircraft. The sale consists of: twenty (20) Small Laser Transmitter Assemblies, ten (10) System Processors, and thirty (30) AN/AAR–54 Missile Warning System sensors. The sale also includes Control Interface Units (CIU), Selective Availability Anti-Spoofing Modules (SAASM), Classified User Data Module (UDM) cards, support and test equipment, spare and repair parts, publications and technical documentation, repair and return, Group A and B installation, flight test and certification, personnel training and training equipment, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support. The total estimated cost is $335 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a partner country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

This proposed sale of DIRCM will help provide protection to the UAE's Head of State aircraft. DIRCM will facilitate a more robust capability against increased missile threats. The sale of this advanced system will enhance the safety of the UAE's political leadership while bolstering U.S.-UAE relations. The UAE will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be The Boeing Company in Chicago, Illinois; and Northrop Grumman Corporation in Rolling Meadows, Illinois. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale provides for one Field Service representative to live in the UAE for up to two years. Also, implementation will require U.S. Government or contractor representatives to travel to the UAE for up to 6 years to conduct program execution, delivery, technical support and training.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

Transmittal No. 15–39

Notice of Proposed Issuance of Letter of Offer, Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

The AN/AAQ–24(V) Directional Infrared Countermeasures (DIRCM) system is a self-contained, directed energy countermeasures system designed to protect aircraft from infrared-guided surface-to-air missiles. The system features digital technology and micro-miniature solid-state electronics. The system operates in all conditions, detecting incoming missiles and jamming infrared-seeker equipped missiles with aimed bursts of laser energy. The DIRCM system consists of multiple missile warning sensors (AAR–54), one or more Small Laser Turret Assemblies (SLTA), a System Processor (SP) computer, a Control Indicator (CI), and a classified User Data Memory (UDM) card containing the laser jamming codes. The UDM card is loaded into the SP prior to flight; when not in use, the UDM card is removed from the SP and put in secure storage. The AAR–54 missile warning sensors are mounted on the aircraft exterior to provide omni-directional protection. The sensors detect the rocket plume of missiles and sends appropriate data signals to the CP for processing. The CP analyzes the data from each sensor and automatically deploys the appropriate countermeasure via the SLTA. The CI displays the incoming threat to allow the pilot to take additional appropriate action. The SP also contains Built-In-Test (BIT) circuitry. DIRCM hardware and software, including Operational Flight Program and jam codes are classified Secret. The technical data and documentation to be provided are Unclassified.

If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

A determination has been made that the UAE can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

All defense articles and services listed in this transmittal have been authorized for release and export to the UAE.

[FR Doc. 2015–20047 Filed 8–13–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0075]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Talent Search (TS) Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 14, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0075. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Craig Pooler, 202–502–7640.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Talent Search (TS) Annual Performance Report.

OMB Control Number: 1840–0826.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 450.

Total Estimated Number of Annual Burden Hours: 7,200.

Abstract: Talent Search grantees must submit the report annually. The report provides the Department of Education with information needed to evaluate a grantee's performance and compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide national information on project participants and program outcomes.

Dated: August 11, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–20058 Filed 8–13–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center-Targeted Communities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information: Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center-Targeted Communities Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.264F.

DATES: *Applications Available:* August 14, 2015.

Date of Pre-Application Webinar: August 20, 2015.

Deadline for Transmittal of Applications: September 14, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Services Administration (RSA) makes grants to States and public or nonprofit agencies and organizations (including institutions of higher education (IHEs)) to support projects that provide training, traineeships, and technical assistance (TA) designed to increase the numbers of, and improve the skills of, qualified personnel, especially rehabilitation counselors, who are trained to provide vocational, medical, social, and psychological rehabilitation services to individuals with disabilities; assist individuals with communication and related disorders; and provide other services authorized under the Rehabilitation Act.

Priority: This notice includes one absolute priority. This priority is from the notice of final priority and definitions (NFP) for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2015, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Vocational Rehabilitation Technical Assistance Center-Targeted Communities.

Note: The full text of this priority is included in the NFP for this program, published elsewhere in this issue of the **Federal Register**, and in the application package for this competition.

Program Authority: 29 U.S.C. 772(a)(1). *Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) 34 CFR part 385. (e) The NFP published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $2,500,000.

Maximum Award: We will reject any application that proposes a budget exceeding $2,500,000 for a single budget

period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Continuing the Fourth and Fifth Years of the Project: In deciding whether to continue funding the Vocational Rehabilitation Technical Assistance Center-Targeted Communities for the fourth and fifth years, the Department, as part of the review of the application narrative and annual performance reports, will consider the degree to which the program demonstrates substantial progress toward the following outcomes:

(a) Increase the participation in State VR programs of individuals with disabilities from low-income communities.

(b) Increase the number and percentage of individuals with disabilities from low-income communities served through the State VR programs that complete their VR program and enter into competitive integrated employment.

(c) Increase the amount of community support services provided by community agencies and support systems to individuals with disabilities from low-income communities who are participating in a VR program.

(d) Develop collaborative, coordinated service strategies among State VR programs and community support services agencies and systems to provide more comprehensive services to individuals with disabilities from low-income communities who are engaged in a VR program.

III. Eligibility Information

1. *Eligible Applicants:* States and public or nonprofit agencies and organizations, including Indian tribes and IHEs.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Training program. Any program income that may be incurred during the period of performance may only be directed towards advancing activities in the approved grant application and may not be used towards the 10 percent match requirement. The Secretary may waive part of the non-Federal share of the cost of the project after negotiations if the applicant demonstrates that it does not have sufficient resources to contribute the entire match (29 U.S.C. 772(a)(1)).

Note: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.264F.

To obtain a copy from the program office, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Because of the limited time available to review applications and make a recommendation for funding, we strongly encourage applicants to limit the application narrative to no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

In addition to the page-limit guidance on the application narrative section, we recommend that you adhere to the following page limits, using the standards listed above: (1) The abstract should be no more than one page, (2) the resumes of key personnel should be no more than two pages per person, and (3) the bibliography should be no more than three pages. The only optional materials that will be accepted are letters of support. Please note that our reviewers are not required to read optional materials.

Please note that any funded applicant's application abstract will be made available to the public.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center-Targeted Communities competition, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make the abstract of the successful application available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times: Applications Available:* August 14, 2015.

Date of Pre-Application Webinar: Interested parties are invited to participate in a pre-application webinar. The pre-application webinar with staff from the Department will be held on August 20, 2015. The webinar will be

recorded. For further information about the pre-application webinar, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Transmittal of Applications: September 14, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2015.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Rehabilitation Training: Vocational Rehabilitation Workforce Innovation Technical Assistance Center competition, CFDA number 84.264F, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Rehabilitation Training: Vocational Rehabilitation Workforce Innovation Technical Assistance Center competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.264, not 84.264F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Felipe Lulli, U.S. Department of Education, 400 Maryland Avenue SW., room 5054, Potomac Center Plaza (PCP), Washington, DC 20202–2800. FAX: (202) 245–7591.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.264F), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of

your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.264F), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The purpose of this priority is to fund a cooperative agreement to establish a Vocational Rehabilitation Technical Assistance Center-Targeted Communities to achieve the following outcomes:

(a) Increase the participation in State VR programs of individuals with disabilities from low-income communities.

(b) Increase the number and percentage of individuals with disabilities from low-income communities served through the State VR programs that complete their VR program and enter into competitive integrated employment.

(c) Increase the amount of community support services provided to individuals with disabilities from low-income communities who are participating in a VR program from community agencies and support systems.

(d) Develop collaborative, coordinated service strategies among State VR programs and community support services agencies and systems to provide more comprehensive services to individuals with disabilities from low-income communities who are engaged in a VR program.

The cooperative agreement will specify the short-term and long-term measures that will be used to assess the grantee's performance against the goals and objectives of the project and the outcomes listed in the preceding paragraph.

In its annual and final performance report to the Department, the grant recipient will be expected to report the data that is needed to assess its performance and is outlined in the cooperative agreement.

The cooperative agreement and annual report will be reviewed by RSA and the grant recipient between the third and fourth quarter of each project period. Adjustments will be made to the project accordingly in order to ensure demonstrated progress towards meeting the goals and outcomes of the project.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Felipe Lulli, U.S. Department of Education, Rehabilitation Services Administration, 400 Maryland Avenue SW., Room 5054, PCP, Washington, DC 20202–2800. Telephone: (202) 245–7425 or by email: *felipe.lulli@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: August 7, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–20013 Filed 8–13–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Reopening of Public Comment Period for Draft Environmental Impact Statement for the Recapitalization of Infrastructure Supporting Naval Spent Nuclear Fuel Handling at the Idaho National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of reopening of public comment period.

SUMMARY: On June 19, 2015 the U.S. Department of Energy (DOE) Naval Nuclear Propulsion Program (NNPP) published in the **Federal Register**, a notice of availability for the *Draft Environmental Impact Statement for the Recapitalization of Infrastructure Supporting Naval Spent Nuclear Fuel Handling at the Idaho National Laboratory* (DOE/EIS–0453–D) for public review and comment. That notice stated that the public comment period would continue through August 10, 2015. Based on a request received on August 6, 2015, the NNPP is reopening the public comment period through August 31, 2015.

DATES: The NNPP will accept public comments on the *Draft Environmental Impact Statement for the Recapitalization of Infrastructure Supporting Naval Spent Nuclear Fuel Handling at the Idaho National Laboratory* (DOE/EIS–0453–D) through August 31, 2015. Comments submitted prior to this announcement do not need to be resubmitted as a result of this reopening of the comment period.

ADDRESSES: Written comments on the Draft EIS may be submitted by mailing to: Erik Anderson, Department of Navy, Naval Sea Systems Command, 1240 Isaac Hull Avenue SE., Stop 8036,Washington Navy Yard, DC 20376–8036.

Comments provided by electronic mail (email) should be submitted to: *ecfrecapitalization@unnpp.gov*.

FOR FURTHER INFORMATION CONTACT: For further information about this Draft EIS, contact Mr. Erik Anderson, as described above.

For information regarding the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: On June 19, 2015, DOE published a notice of availability (80 FR 35331), and on June 26, 2015 EPA published a notice of availability (80 FR 36803) that announced that comments on DOE/EIS–0453–D should be submitted within a 45-day period ending on August 10, 2015. The NNPP is reopening the time allowed for submittal of comments through August 31, 2015.

Issued in Washington, DC, on August 10, 2015.

John M. McKenzie

Director, Regulatory Affairs, Naval Nuclear Propulsion Program.

[FR Doc. 2015–20075 Filed 8–13–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–540–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on July 31, 2015, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP15–540–000, a prior notice request pursuant to section 157.216 of the Commission's regulations under the Natural Gas Act (NGA) as amended, requesting authorization to abandon one observation well and associated facilities at its East Branch Field, located in McKean County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Kenneth E. Webster, Attorney for National Fuel, 6363 Main Street, Williamsville, New York 14221, by telephone at (716) 857–7067, by facsimile at (716) 857–7206, or by email at *websterk@natfuel.com*.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and protest to the request, pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205). If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review.

If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: August 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20068 Filed 8–13–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of Avista Corporation, Puget Sound Energy, Inc., and MATL LLP (together, ColumbiaGrid Public Utilities):

ColumbiaGrid Planning Meeting including Final System Assessment Report and Order No. 1000 Needs Statements

August 20, 2015, 9:00 a.m.–3:00 p.m. (PST)

The above-referenced meeting will be held at: ColumbiaGrid, 8338 NE Alderwood Road, Suite 140, Portland, OR 97220.

The above-referenced meeting also will be available via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at *http://www.columbiagrid.org/event-details.cfm?EventID=1009.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER13–94, *Avista Corporation.*

Docket No. ER15–422, *Avista Corporation.*

Docket No. ER13–99, *Puget Sound Energy, Inc.*

Docket No. ER15–429, *Puget Sound Energy, Inc.*

Docket No. ER13–836, *MATL LLP.*

Docket No. EL15–74, *Coalition of Eastside Neighborhoods for Sensible Energy et al* v. *Puget Sound Energy et al.*

For more information, contact Franklin Jackson, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6464 or *Franklin.Jackson@ferc.gov.*

Dated: August 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20069 Filed 8–13–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://*

www.ferc.gov using the eLibrary link. Enter the docket number,

excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. P–1494–000	7/21/15	Quapaw Tribe of Oklahoma.
2. CP15–17–000	7/23/15	Brenda Forrester.
3. CP15–17–000	7/27/15	John Holloway.
Exempt:		
1. CP15–93–000	7/24/15	U.S. Representative Tim Murphy.
2. EL15–70–000, 71–000, EL15–72–000	7/30/15	U.S. Senator Richard J. Durbin.
3. P–1494–000	7/31/15	U.S. Senator James Lankford.
4. CP15–93–000	8/3/15	FERC Staff.[1]
5. CP15–500–000	8/3/15	Brewster County, TX, Commissioner Luc Novovitch.
6. CP13–483–000, CP13–492–000	8/3/15	FERC Staff.[2]
8. CP13–483–000, CP13–492–000	8/6/15	FERC Staff.[3]

[1] Record of July 20, 2015 conference call with Cardno ENTRIX (FERC's contractor), Rover Pipeline LLC, and Apex (Rover's contactor).
[2] Notes from July 22, 2015 telephone conference call with federal cooperating agencies regarding production of final environmental impact statement.
[3] Notes from August 5, 2015 telephone conference call with federal cooperating agencies regarding production of final environmental impact statement.

Dated: August 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20070 Filed 8–13–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–167–000.

Applicants: Sky River LLC, Sky River Asset Holdings, LLC, Sagebrush, a California partnership, Sagebrush Partner Fifteen, Inc.

Description: Clarification to July 13, 2015 Application of Sky River LLC, et al. for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action.

Filed Date: 8/6/15.

Accession Number: 20150806–5161.

Comments Due: 5 p.m. ET 8/27/15.

Docket Numbers: EC15–184–000.

Applicants: Lakeswind Power Partners, LLC.

Description: Application for Authorization Pursuant to Section 203 of the Federal Power Act of Lakeswind Power Partners, LLC.

Filed Date: 8/7/15.

Accession Number: 20150807–5235.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: EC15–185–000.

Applicants: Southwestern Public Service Company, Golden Spread Electric Cooperative.

Description: Southwestern Application for Authorization to Acquire Jurisdictional Battery Assets of Southwestern Public Service Company and Golden Spread Electric Cooperative.

Filed Date: 8/7/15.

Accession Number: 20150807–5237.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: EC15–186–000.

Applicants: Aircraft Services Corporation, Cogen Technologies Linden Venture, L.P., East Coast Power Linden Holding, L.L.C., AEIF Linden SPV, LLC.

Description: Application for Authorization under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Consideration and Shortened Comment Period of Aircraft Services Corporation, et al.

Filed Date: 8/7/15.

Accession Number: 20150807–5251.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: EC15–187–000.

Applicants: MACH Gen, LLC, Millennium Power Partners, L.P., New Athens Generating Company, LLC, New Harquahala Generating Company, LLC, Talen Energy Supply, LLC.

Description: Joint Application for Approval Pursuant to Section 203 of the Federal Power Act of MACH Gen, LLC, et al.

Filed Date: 8/10/15.

Accession Number: 20150810–5079.

Comments Due: 5 p.m. ET 8/31/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2265–008; ER12–21–018; ER11–2211–007; ER11–2209–007; ER11–2210–007; ER11–2207–007; ER11–2206–007; ER13–1150–005; ER13–1151–005; ER11–2855–018; ER14–1818–008; ER10–2260–005; ER10–2261–005; ER10–2339–010; ER10–2338–010; ER10–2340–010; ER11–3727–013; ER10–2262–004; ER11–2062–017; ER10–1291–018; ER11–2508–016; ER11–4307–017; ER12–1711–013; ER12–261–016; ER10–2264–005; ER10–1581–015; ER10–2354–007; ER11–2107–008; ER11–2108–008; ER10–2888–017; ER13–1803–009; ER13–1790–009; ER13–1746–010; ER12–1525–013; ER10–2266–004; ER12–2398–012; ER11–3459–012; ER11–4308–017; ER11–2805–016; ER11–2856–018; ER13–2107–008; ER13–2020–008; ER13–2050–008; ER11–2857–018; ER10–2359–006; ER10–2381–006; ER10–2575–006.

Applicants: NRG Power Marketing LLC, Agua Caliente Solar, LLC, Alta Wind I, LLC, Alta Wind II, LLC, Alta Wind III, LLC, Alta Wind IV, LLC, Alta Wind V, LLC, Alta Wind X, LLC, Alta Wind XI, LLC, Avenal Park LLC, Boston Energy Trading and Marketing LLC, Cabrillo Power I LLC, Cabrillo Power II LLC, CP Power Sales Seventeen, L.L.C., CP Power Sales Nineteen, L.L.C, CP Power Sales Twenty, L.L.C., El Segundo Energy Center LLC, El Segundo Power, LLC, Energy Plus Holdings LLC, GenConn Energy LLC, GenOn Energy Management, LLC, Green Mountain Energy Company, High Plains Ranch II, LLC, Independence Energy Group LLC, Long Beach Generation LLC, Long Beach Peakers LLC, Midway-Sunset Cogeneration Company, North Community Turbines LLC, North Wind Turbines LLC, Norwalk Power LLC, NRG California South LP, NRG Delta LLC, NRG Marsh Landing LLC, NRG Solar Alpine LLC, NRG Solar Blythe

LLC, NRG Solar Borrego I LLC, NRG Solar Roadrunner LLC, Reliant Energy Northeast LLC, RRI Energy Services, LLC, Sand Drag LLC, Solar Partners I, LLC Solar Partners II, LLC, Solar Partners VIII, LLC, Sun City Project LLC, Sunrise Power Company, LLC, Walnut Creek Energy, LLC, Watson Cogeneration Company.

Description: Notice of Change in Status of the NRG CAISO MBR Sellers.

Filed Date: 8/7/15.

Accession Number: 20150807–5260.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: ER14–225–003.

Applicants: New Brunswick Energy Marketing Corporation.

Description: Notice of Non-Material Change in Status and Compliance Filing of New Brunswick Energy Marketing Corporation.

Filed Date: 8/7/15.

Accession Number: 20150807–5233.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: ER15–2260–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to Compliance Filing submitted on 7/23/15 under Docket No. ER15–2260 to be effective 3/31/2016.

Filed Date: 8/7/15.

Accession Number: 20150807–5203.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: ER15–2402–000.

Applicants: Calpine Greenleaf, Inc.

Description: Tariff Cancellation: Notice of Cancellation to be effective 8/8/2015.

Filed Date: 8/7/15.

Accession Number: 20150807–5201.

Comments Due: 5 p.m. ET 8/28/15.

Docket Numbers: ER15–2403–000.

Applicants: Pacific Gas and Electric Company.

Description: Section 205(d) Rate Filing: Lathrop Irrigation District Procurement Agreement to be effective 7/10/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5003.

Comments Due: 5 p.m. ET 8/31/15.

Docket Numbers: ER15–2404–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Section 205(d) Rate Filing: FCM Sloped Demand Curve: Reconfiguration Auctions and CSO Bilaterals to be effective 10/12/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5084.

Comments Due: 5 p.m. ET 8/31/15.

Docket Numbers: ER15–2405–000.

Applicants: Alabama Power Company.

Description: Section 205(d) Rate Filing: White Oak Solar LGIA Filing to be effective 7/27/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5127.

Comments Due: 5 p.m. ET 8/31/15.

Docket Numbers: ER15–2406–000.

Applicants: ITC Midwest LLC.

Description: Section 205(d) Rate Filing: Filing of Joint Use Pole Agreement with Clarke Electric Cooperative to be effective 10/9/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5140.

Comments Due: 5 p.m. ET 8/31/15.

Docket Numbers: ER15–2407–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–08–10_SA 2826 ATC-Dairyland Ownership and Cost-Sharing Agreement to be effective 8/11/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5155.

Comments Due: 5 p.m. ET 8/31/15.

Docket Numbers: ER15–2408–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–08–10_SA 2827 ATC-Dairyland Attachment Agreement to be effective 8/11/2015.

Filed Date: 8/10/15.

Accession Number: 20150810–5158.

Comments Due: 5 p.m. ET 8/31/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–38–000.

Applicants: MDU Resources Group, Inc.

Description: Amendment to July 9, 2015 Application of MDU Resources Group, Inc. for authorization is issue short-term securities in the form of promissory notes and/or commercial paper.

Filed Date: 8/7/15.

Accession Number: 20150807–5248.

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 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20067 Filed 8–13–15; 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: RP15–1181–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) Rate Filing: Negotiated Rate Agmt Filing (Cross Timbers 26588) to be effective 8/11/2015.

Filed Date: 8/5/15.

Accession Number: 20150805–5042.

Comments Due: 5 p.m. ET 8/17/15.

Docket Numbers: RP15–1182–000.

Applicants: Enable Gas Transmission, LLC.

Description: Compliance filing RP12–498 Compliance Filing to be effective 9/14/2015.

Filed Date: 8/5/15.

Accession Number: 20150805–5126.

Comments Due: 5 p.m. ET 8/17/15.

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 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: RP14–891–002.

Applicants: Transwestern Pipeline Company, LLC.

Description: Compliance filing Clean Up Filing to be effective 4/1/2015.

Filed Date: 8/5/15.

Accession Number: 20150805–5045.

Comments Due: 5 p.m. ET 8/17/15.

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 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 6, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20081 Filed 8–13–15; 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: RP15–1183–000.

Applicants: Eni Petroleum US LLC, et. al.

Description: Joint Petition of Eni Petroleum US LLC, et. al. for Temporary Waiver of Capacity Release Regulations and Policies and Request for Expedited Action.

Filed Date: 8/6/15.

Accession Number: 20150806–5123.

Comments Due: 5 p.m. ET 8/13/15.

Docket Numbers: RP15–1184–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: § 4(d) Rate Filing: Revisions Related to Lease Modification to be effective 9/1/2014

Filed Date: 8/7/15.

Accession Number: 20150807–5091.

Comments Due: 5 p.m. ET 8/19/15.

Docket Numbers: RP15–1185–000.

Applicants: Enable Mississippi River Transmission, L.

Description: § 4(d) Rate Filing: Negotiated Rate Filing to Amend LER 5680's Attachment A_8–7–15 to be effective 8/7/2015.

Filed Date: 8/7/15.

Accession Number: 20150807–5186.

Comments Due: 5 p.m. ET 8/19/15.

Docket Numbers: RP15–1186–000.

Applicants: Paiute Pipeline Company.

Description: § 4(d) Rate Filing: Non-conforming TSA–F30A to be effective 8/7/2015.

Filed Date: 8/7/15.

Accession Number: 20150807–5202.

Comments Due: 5 p.m. ET 8/19/15.

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 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: RP15–301–001.

Applicants: Equitrans, L.P.

Description: Compliance filing Interruptible Balancing Service—Compliance Filing to be effective 9/6/2015.

Filed Date: 8/6/15.

Accession Number: 20150806–5106.

Comments Due: 5 p.m. ET 8/18/15.

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 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 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20082 Filed 8–13–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9022–4]

Environmental Impact Statements; Notice of Availability

AGENCY: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements.
Filed 08/03/2015 Through 08/07/2015.
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20150215, Revised Draft, USFS, SC, Francis Marion Forest Plan Revision, Comment Period Ends: 11/11/2015, Contact: Mary Morrison 803–561–4058.

EIS No. 20150216, Final, USFS, UT, Monroe Mountain Aspen Ecosystems Restoration Project, Review Period Ends: 10/05/2015, Contact: Jason Kling 435–896–1080.

EIS No. 20150217, Draft, RUS, PR, Arecibo Waste-to-Energy and Resource Recovery Project, Comment Period Ends: 09/28/2015, Contact: Lauren McGee Rayburn 202–695–2540.

EIS No. 20150218, Draft, FERC, OR, Oregon Liquefied Natural Gas (LNG) and Washington Expansion Projects, Comment Period Ends: 10/06/2015, Contact: Medha Kochhar 202–502–8964.

EIS No. 20150219, Final, NRC, NH, NUREG–1437, Generic—License Renewal of Nuclear Plants Supplement 46 Regarding Seabrook Station, Review Period Ends: 09/14/2015, Contact: Lois M. James 301–415–3306.

EIS No. 20150220, Final, FHWA, ID, US–95 Thorncreek Road to Moscow, Review Period Ends: 09/14/2015, Contact: Kyle P. Holman 208–334–9180 ext.127.

EIS No. 20150221, Draft, BLM, NV, Bald Mountain Mine North and South Operations Area Projects, Comment Period Ends: 09/28/2015, Contact: Miles Kreidler 509–536–1222.

EIS No. 20150222, Final, BR, CA, Shasta Lake Water Resources Investigation, Review Period Ends: 09/14/2015, Contact: Katrina Chow 916–978–5067.

EIS No. 20150223, Final, USFS, OR, Goose Project, Review Period Ends: 10/01/2015, Contact: Elysia Retzlaff 541–822–7214.

EIS No. 20150224, Final, USFS, CO, Breckenridge Multi-Season Recreation Projects, Review Period Ends: 09/28/2015, Contact: Roger Poirier 970–945–3245.

Amended Notices

EIS No. 20150109, Draft, STB, MT, Tongue River Railroad, Comment Period Ends: 09/23/2015, Contact: Ken Blodgett 1–866–622–4355: Revision to FR Notice Published 07/10/2015; Extending Comment Period from 08/24/2015 to 09/23/2015.

Dated: August 11, 2015.

Karin Leff,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–20084 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0186; FRL–9931–82]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from June 1, 2015 to June 30, 2015.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before September 14, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0186, and the specific PMN number or TME number for the chemical related to your comment, 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:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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 technical information contact: Jim Rahai, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *Rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action.

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?

This document provides receipt and status reports, which cover the period from June 1, 2015 to June 30, 2015, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Section 5 of TSCA requires that EPA periodical publish in the **Federal Register** receipt and status reports, which cover the following EPA activities required by provisions of TSCA section 5.

EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.* Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic status reports on the new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

In Table I. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN, the date the PMN was received by EPA, the projected end date for EPA's review of the PMN, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the PMN, and the chemical identity.

TABLE I—57 PMNS RECEIVED FROM 06/01/2015 TO 06/30/2015

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–15–0498	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Plastic coatings	(G) Castor oil, dehydrated, polymer with alkyldioic acid, polymer with alkyl diols, hydroxy (hydroxymethyl) alkylylpropanoic acid, methylenebis [isocyanatocycloalkane] and alkyl glycol.
P–15–0498	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Leather and textile impregnation.	(G) Castor oil, dehydrated, polymer with alkyldioic acid, polymer with alkyl diols, hydroxy (hydroxymethyl) alkylylpropanoic acid, methylenebis [isocyanatocycloalkane] and alkyl glycol.
P–15–0498	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Wood coatings	(G) Castor oil, dehydrated, polymer with alkyldioic acid, polymer with alkyl diols, hydroxy (hydroxymethyl) alkylylpropanoic acid, methylenebis [isocyanatocycloalkane] and alkyl glycol.
P–15–0499	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Leather and textile impregnation.	(G) Castor oil dehydrated, polymer with di-alkyl carbonate, alkyl diamine, alkyl diol, dihydroxyalkyl carboxylic acid and methylenebis [isocyanatocycloalkane]-, compound (compd)with trialkylamine.
P–15–0500	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Leather and textile impregnation.	(G) Castor oil, dehydrated, polymer with alkyl diamine, dihydroxyalkyl carboxylic acid, aromatic azinetriamine, methylenebis [isocyanatocycloalkane]-, compds. with trialkylamine.
P–15–0501	6/1/2015	8/30/2015	Alberdingk Boley Inc	(S) Leather and textile impregnation.	(G) Castor oil, dehydrated, polymer with alkyldioic acid, alkyldiamine, alkyldiol, dihydroxyalkyl carboxylic acid, methylenebis [isocyanatocyclohexane], alkyl glycol, and polyethylene glycol bis (hydroxymethyl)alkyl Me ether, compd. with triakyl amine.
P–15–0502	6/2/2015	8/31/2015	CBI	(G) Protective treatment	(G) Perfluorobutanesulfonamide and polyoxyalkylene containing polyurethane.
P–15–0503	6/2/2015	8/31/2015	CBI	(S) Thermoplastic polyurethane for coatings/ mouldings.	(S) 2-oxepanone, polymer with 1,4-diisocyanatobenzene, 2,2-dimethyl-1,3-propanediol and 2,2′-[1,4-phenylenebis(oxy)] bis [ethanol].
P–15–0505	6/2/2015	8/31/2015	CBI	(G) Automotive coating	(G) Dicarboxylic acid, polymer with cyclicdiol, dimethyl carbonate, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, monocyclic dicarboxylic acid, 1,6-hexanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compound with amino alcohol.
P–15–0506	6/4/2015	9/2/2015	CBI	(G) Component in cleaning formulation.	(G) Alkyl phosphate ammonium salt.
P–15–0507	6/4/2015	9/2/2015	Shin Etsu Silicones of America.	(S) Additive for hardcoat agent; additive for surface treatment agent; additive for photoresist.	(S) Borate(1-), tetrahydro-, sodium (1:1), reaction products with reduced polymd. oxidized tetrafluoroethylene, hydrolyzed, diallyl ethers, polymers with 2,4,6,8-tetramethylcyclotetrasiloxane, si-(8,13-dioxo-4,7,12-trioxa-9-azapentadec-14–1-yl) derivs.*
P–15–0508	6/4/2015	9/2/2015	CBI	(G) Softening of cellulose.	(G) Fatty acids, reaction products with polyalkyl polyamine quaternized with dialkyl sulfate.
P–15–0509	6/5/2015	9/3/2015	CBI	(G) This substance is to be used primarily as an additive in oil based drilling muds. it will be used mainly as a non-cationic emulsifier or wetting agent. . . . see comments field.	(G) Fatty acids, tall-oil, mixed polyamides and amidoimidazolines.
P–15–0510	6/5/2015	9/3/2015	CBI	(G) Additive for coatings	(G) Metal, compound with alkyl amine and methanol salt.
P–15–0511	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant	(G) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with dialkyl amine, carboxylate salt.
P–15–0512	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant in coating.	(G) 2-Propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with dialkylamine.
P–15–0513	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant in coating.	(G) 2-Propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with alkylamine, carboxylate salt.
P–15–0514	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant in coating.	(G) 2-Propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with alkyl amine.

TABLE I—57 PMNS RECEIVED FROM 06/01/2015 TO 06/30/2015—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–15–0515	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant in coating.	(G) 2-Propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with dialkylamine, carboxylate salt.
P–15–0516	6/5/2015	9/3/2015	CBI	(G) Acrylic dispersant in coating.	(G) 2-Propenoic acid, 2-methyl, methyl ester, polymer with ethenylbenzene, ethyl 2-propenoate, 2-oxiranylmethyl 2-methyl-2-propenoate and 1,2-propanediol mono(2-methyl-2-propenoate), reaction products with alkylamine, carboxylate salt.
P–15–0522	6/9/2015	9/7/2015	DIC International (USA) LLC.	(G) Colorant for color filter and industrial coatings.	(G) Metal, phthalocyaninato(2-)-, halogenated.
P–15–0523	6/9/2015	9/7/2015	CBI	(S) Binder for fibers used for non-woven mats.	(G) Carbohydrates, polymer with amine compound.
P–15–0524	6/9/2015	9/7/2015	E.I. Du Pont De Nemours.	(G) Chemical intermediate.	(G) *N*-methyl- (amino,chloro,methyl) carbomonocyclic carbamide.
P–15–0525	6/10/2015	9/8/2015	CBI	(G) Catalyst	(G) Rare earth doped zirconium oxide.
P–15–0526	6/10/2015	9/8/2015	CBI	(G) Catalyst	(G) Rare earth doped zirconium oxide.
P–15–0527	6/10/2015	9/8/2015	CBI	(G) Catalyst	(G) Rare earth doped zirconium oxide.
P–15–0528	6/10/2015	9/8/2015	CBI	(G) Catalyst	(G) Rare earth doped zirconium oxide.
P–15–0529	6/10/2015	9/8/2015	CBI	(G) Adhesive component.	(G) Polyurethane.
P–15–0530	6/12/2015	9/10/2015	BASF Corporation	(G) Dispersing agent for pigments in paints and inks.	(G) Alkoxylated fatty alcohol citrate.
P–15–0531	6/12/2015	9/10/2015	CBI	(G) Defoamer	(G) Siloxanes and Silicones, di-Me ethers with polyalkylene glycol monoallyl ether.
P–15–0532	6/12/2015	9/10/2015	Allnex USA Inc.	(S) Resin for 2 component urethane industrial coatings.	(G) Substituted alkenoic acid, alkyl ester, polymer with substituted alkenoate and alkenoic acid, alkyl peroxide-initiated.
P–15–0533	6/12/2015	9/10/2015	Allnex USA Inc.	(S) Resin for 2 component urethane industrial coatings.	(G) Substituted heteropolycycle, polymer with substituted alkyldiols, and substututed heteropolycycle, substututed alkanoate.
P–15–0534	6/15/2015	9/13/2015	CBI	(G) Printing Ink	(G) Polyamid Resin.
P–15–0535	6/15/2015	9/13/2015	CBI	(G) Component in electrodeposition coating.	(G) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compds. with hydroxylamine-blocked polymethylenepolyphenylene isocyanate-polymeric diol.
P–15–0536	6/15/2015	9/13/2015	CBI	(G) Component in electrodeposition coating.	(G) Formic acid, compds. with hydroxylamine-blocked polymethylenepolyphenylene isocyanate-polymeric diol.
P–15–0537	6/15/2015	9/13/2015	CBI	(G) Component in electrodeposition coating.	(G) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compds. with 2-(2-butoxyethoxy)ethanol- and hydroxylamine-blocked polymethylenepolyphenylene isocyanate-polymeric diol.
P–15–0538	6/15/2015	9/13/2015	CBI	(G) Component in electrodeposition coating.	(G) Formic acid, compds. with 2-(2-butoxyethoxy)ethanol- and hydroxylamine-blocked polymethylenepolyphenylene isocyanate-polymeric diol.
P–15–0539	6/15/2015	9/13/2015	CBI	(G) Lubricant additive	(G) 2,5-Furandione, polymer with 1-dodecene, alkyl esters.
P–15–0540	6/17/2015	9/15/2015	CBI	(S) Chemical intermediate in the production of Poly[oxy(methyl-1,2-ethanediyl)],*a*-sulfo-*w*-hydroxy-, $C_{10–16}$-alkyl ethers CAS #1497417-15-8, and/or sodium salt of same.	(S) Alcohols, $C_{10–16}$, propoxylated.
P–15–0541	6/18/2015	9/16/2015	CBI	(G) Additive for fabric coating.	(G) Dicarboxylic acid, polymer with 1,6-diisocyanatohexane, 2,2-dimethyl-1,3-propanediol, 1,6-hexanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane.
P–15–0542	6/18/2015	9/16/2015	Colonial Chemical, Inc	(S) Chemical intermediate for sale into commerce.	(S) Quaternary ammonium compounds, (3-chloro-2-hydroxypropyl)coco alkyldimethyl, chlorides.
P–15–0542	6/18/2015	9/16/2015	Colonial Chemical, Inc	(S) Intermediate for surfact production.	(S) Quaternary ammonium compounds, (3-chloro-2-hydroxypropyl)coco alkyldimethyl, chlorides.
P–15–0544	6/19/2015	9/17/2015	CBI	(G) Chemical Intermediate.	(G) Trialkyl cycloalkylammonium hydroxide.
P–15–0545	6/22/2015	9/20/2015	CBI	(G) Open, non-dispersive.	(G) Amine-functional acrylic polymer.
P–15–0546	6/23/2015	9/21/2015	CBI	(G) Chemical intermediate.	(G) Maleated ester.

TABLE I—57 PMNS RECEIVED FROM 06/01/2015 TO 06/30/2015—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–15–0547	6/23/2015	9/21/2015	CBI	(G) Chemical intermediate.	(G) Maleated alkyl esters.
P–15–0548	6/23/2015	9/21/2015	CBI	(G) Lubricant component.	(G) Saturated maleated esters.
P–15–0550	6/23/2015	9/21/2015	DIC International (USA) LLC.	(G) Coating material	(G) Tetrahydroalkyl aromatic heterocyclic diketone, polymer with dialkyleneglycol, trialkyleneglycol, heterocyclic diketone and aromatic heterocyclic diketone.
P–15–0551	6/23/2015	9/21/2015	DIC International (USA) LLC.	(G) Coating material	(G) Aromatic heterocyclic diketone, polymer with dialkyleneglycol, trialkyleneglycol and alkenoic acid glycidyl ester.
P–15–0552	6/24/2015	9/22/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
P–15–0553	6/24/2015	9/22/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
P–15–0554	6/24/2015	9/22/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
P–15–0555	6/24/2015	9/22/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
P–15–0557	6/24/2015	9/22/2015	CBI	(G) Adhesive for open non-descriptive use.	(G) Isocyanate terminated polyurethane.
P–15–0558	6/26/2015	9/24/2015	CBI	(S) Intermediate	(S) 4-Morpholinepropanoic acid, .alpha.-methyl-, methyl ester.
P–15–0559	6/29/2015	9/27/2015	CBI	(G) Raw material for flexible foam.	(G) Diphenylmethane diisocyanate prepolymer.
P–15–0562	6/30/2015	9/28/2015	CBI	(S) Pigment for automotive coatings to be used in automotive OEM and refinish.	(G) Substituted alkylsilanes, reaction products with a mixture of metal oxides.

In Table II. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the TMEs received by EPA during this period: The EPA case number assigned to the TME, the date the TME was received by EPA, the projected end date for EPA's review of the TME, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the TME, and the chemical identity.

TABLE II—5 TMES RECEIVED FROM 06/01/2015 TO 06/30/215

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
T–15–0010	6/4/2015	7/19/2015	CBI	(G) Component in cleaning formulation.	(G) Alkyl phosphate ammonium salt.
T–15–0013	6/24/2015	8/8/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
T–15–0011	6/24/2015	8/8/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
T–15–0014	6/24/2015	8/8/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.
T–15–0012	6/24/2015	8/8/2015	CBI	(G) Oil Production	(G) Dialkylamino alkylamide salt.

In Table III. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC, the date the NOC was received by EPA, the projected end date for EPA's review of the NOC, and chemical identity.

TABLE III—31 NOCS RECEIVED FROM 06/01/2015 TO 06/30/2015

Case No.	Received date	Commencement notice end date	Chemical
P–13–0689	6/1/2015	5/1/2015	(G) Alkanedioic acid, polymer with butanedioic acid, alkanediol and 2-substituted alkanedioic acid.
P–14–0609	6/1/2015	5/7/2015	(G) Polysiloxane copolymer.
P–14–0604	6/1/2015	5/11/2015	(G) Substituted polysiloxane.
P–15–0095	6/1/2015	5/12/2015	(G) Urethane acrylate.
P–15–0203	6/1/2015	5/14/2015	(S) Phenol, 3-propyl-.*
P–14–0728	6/1/2015	5/29/2015	(S) D-glucopyranose, oligomeric, $C_{10–16}$-alkyl glycosides, polymers with epichlorohydrin and oligomeric d-glucopyranose decyl octyl glycosides, 2-hydroxy-3-(trimethylammonio)propyl ethers, chlorides.*
P–14–0725	6/3/2015	6/1/2015	(S) D-glucopyranose, oligomeric, $C_{10–16}$-alkyl glycosides, polymers with epichlorohydrin, 3-(dodecyldimethylammonio)-2-hydroxypropyl ethers, chlorides.*
P–14–0727	6/3/2015	6/2/2015	(S) D-glucopyranose, oligomeric, $C_{10–16}$-alkyl glycosides, polymers with epichlorohydrin, 3-(dimethyloctadecylammonio)-2-hydroxypropyl ethers, chlorides.*
P–14–0767	6/5/2015	1/26/2015	(G) Polyester acrylate.
P–13–0419	6/5/2015	5/21/2015	(S) D-glucopyranoside, hexyl, reaction products with sodium bis(3-chloro-2-hydroxypropyl) phosphate (1:1).*

TABLE III—31 NOCS RECEIVED FROM 06/01/2015 TO 06/30/2015—Continued

Case No.	Received date	Commencement notice end date	Chemical
P–12–0438	6/5/2015	5/28/2015	(G) Aminoalkyl substituted bicyclic olefin.
P–15–0097	6/5/2015	6/4/2015	(S) D-glucopyranose, oligomeric, $C_{10–16}$-alkyl glycosides, polymers with epichlorohydrin, glycidyl ethers, dihydrogen phosphates, sodium salts.*
P–15–0084	6/8/2015	5/10/2015	(G) Aminophosphonate salt.
P–11–0322	6/8/2015	5/19/2015	(G) Siloxanes and silicones, methyl alkyl, polyether modified.
P–15–0096	6/8/2015	6/6/2015	(S) D-glucopyranose, oligomeric, decyl octyl glycosides, polymers with epichlorohydrin, glycidyl ethers, dihydrogen phosphates, sodium salts.*
P–15–0160	6/8/2015	6/6/2015	(G) Alkyl dicarboxylic acids, polymers with alkenoic acid, alkyl alkenoate, alcohols, alkyl alkenoate and substituted carbomonocycle, alkyl peroxideinitiated.
P–15–0162	6/8/2015	6/6/2015	(G) Alkyl dicarboxylic acids, polymers with alcohols.
P–14–0830	6/9/2015	6/3/2015	(S) 1-Propanaminium, *N,N,N*-trimethyl-3-[(2-methyl-1-oxo-2-propenyl)amino]-, chloride (1:1), polymer with 2-propenamide and 2-propenoic acid, sodium salt.*
P–15–0294	6/15/2015	6/5/2015	(G) Hydrocarbon ester acrylate.
P–15–0180	6/15/2015	6/13/2015	(G) Substituted epoxide, polymer with epoxide, substituted alkyl methyl ether, polymer with cyclic anhydride polymer with ethenyl benzene, imidazolealkylamine and hydroxide.
P–15–0182	6/15/2015	6/13/2015	(G) 2,5-Furandione, polymer with ethenylbenzene, imide, reaction products with substituted alkyldiamine, imidazole alkylamine and substituted epoxide, polymer with epoxide, substituted alkyl methyl ether.
P–15–0183	6/15/2015	6/13/2015	(G) 2,5-Furandione, polymer with ethenylbenzene, ester with polyethoxylated alkanol, compd. with substituted aminoalcohol.
P–14–0198	6/16/2015	6/4/2015	(G) Trialkylammonium borodibenzoate.
P–13–0826	6/16/2015	6/15/2015	(S) 2-Oxepanone, polymer with 1,4-butanediol, 1,4-disocyanatobenzene and 2,2-dimethyl-1,3-propanediol.*
P–15–0305	6/18/2015	6/5/2015	(G) Aliphatic polyester.
P–12–0030	6/19/2015	6/18/2015	(G) Modified fluorinated acrylate.
P–15–0323	6/22/2015	6/14/2015	(G) Alkanoic acid, polymer with substituted carbomonocycle, substituted heteromonocycle, alkyl ester, alkyl peroxide-initiated.
P–15–0252	6/29/2015	6/1/2015	(G) Titanium salt, reaction products with silica.
P–15–0352	6/29/2015	6/24/2015	(G) Polyurethane, (meth)acrylate blocked.
P–13–0288	6/30/2015	6/10/2015	(G) Fluorinated diamine.
P–15–0041	6/30/2015	6/24/2015	(S) 2-Oxepanone, polymer with bis(isocyanatomethyl)cyclohexane and 1,4 butanediol.*

If you are interested in information that is not included in these tables, you may contact EPA as described in Unit III to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 5, 2015.

Chandler Sirmons,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–20018 Filed 8–13–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0994]

Information Collection Being Reviewed by the Federal Communications Commission under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 13, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0994.

Title: Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L Band, and the 1.6/2.4 GHz Band.

Form No: Not Applicable.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: 141 respondents; 141 responses.

Estimated Time per Response: .50–50 hours per response.

Frequency of Response: On occasion, one time and annual reporting requirements, third-party disclosure and recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r).

Total Annual Burden: 685 hours.

Annual Cost Burden: $609,570.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: This collection will be submitted to the Office of Management and Budget (OMB) as an extension following the 60-day comment period in order to obtain the full three-year clearance from OMB.

The purposes of this information collections are to license commercial satellite services in the United States; obtain the legal and technical information required to facilitate the integration of Ancillary Terrestrial Components (ATCs) into Mobile Satellite Service (MSS) networks in the 2 GHz band, the L-Band and the 1.6/2.4 GHz Bands; and to ensure that the licensees meet the Commission's legal and technical requirements to develop and maintain MSS networks while conserving limited spectrum for other telecommunications services. This information is used by the Commission to license commercial satellite services in the United States. Without the collection of information, the Commission would not have the information necessary to grant entities the authority to operate commercial satellite stations and provide telecommunications services to consumers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–20038 Filed 8–13–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0349]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 14, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0349.

Title: Equal Employment Opportunity (''EEO'') Policy, Sections 73.2080, 76.73, 76.75, 76.79 and 76.1702.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 14,178 respondents and 14,178 responses.

Estimated Time per Response: 42 hours.

Frequency of Response: Recordkeeping requirement; Annual and five-year reporting requirements. Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 CFR 154(i) and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 595,476 hours.

Total Annual Costs: None.

Privacy Impact Assessment(s): No impacts.

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: Section 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex.

Section 73.2080 requires that each broadcast station employment unit with

5 or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice.

Section 76.73 provides that equal opportunity in employment shall be afforded by all multichannel video program distributors (''MVPD'') to all qualified persons and no person shall be discriminated against in employment by such entities because of race, color, religion, national origin, age or sex.

Section 76.75 requires that each MVPD employment unit shall establish, maintain and carry out a program to assure equal opportunity in every aspect of an MVPD entity's policy and practice.

Section 76.79 requires that every MVPD employment unit maintain, for public inspection, a file containing copies of all annual employment reports and related documents.

Section 76.1702 requires that every MVPD place certain information concerning its EEO program in the public inspection file and on its Web site if it has a Web site.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015–20170 Filed 8–13–15; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

[Notice—MG–2015–04; Docket No. 2015–0002; Sequence 20]

Office of Federal High-Performance Green Buildings; Development of Model Commercial Leasing Provisions

AGENCY: Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: This notice announces that GSA has developed draft model commercial leasing provisions, as required by Section 102 of the ''Better Buildings Act of 2015,'' and is soliciting public comment on these provisions. These provisions are intended to encourage building owners in the private sector, as well as state, county, and municipal governments, to invest in all cost-effective energy and water efficiency improvements, and to encourage tenants in these sectors to require spaces in which such measures have been implemented.

DATES: *Effective:* September 14, 2015.

ADDRESSES: Submit comments by September 14, 2015 via email to *sustainability@gsa.gov.* Please include your name and company name (if any) in the body of your email and include ''Notice—MG–2015–04, Development of Model Commercial Leasing Provisions'' in the subject line of your email and in any attached document.

FOR FURTHER INFORMATION CONTACT: Ms. Alexandra Kosmides, Management Analyst/Sustainability Specialist, at 202–208–4067 or email *alexandra.kosmides@gsa.gov.*

SUPPLEMENTARY INFORMATION: Section 102 of the ''Better Buildings Act of 2015'' requires GSA, in consultation with the Secretary of Energy and after providing the public with an opportunity for notice and comment, to develop and periodically publish model commercial leasing provisions and best practices and explanatory materials, to encourage building owners and tenants in the private sector to use such provisions and materials. The same section also requires GSA to make these provisions and best practices available to state, county, and municipal governments for use in managing owned and leased building space in accordance with the goal of encouraging investment in all cost-effective energy and water efficiency measures.

These provisions published for comment are based on GSA's current leasing practice. For use in the commercial sector, GSA recognizes that changes in language are desirable. The General Services Administration encourages commenters to apply their experience in negotiating leases, and the underlying intent of the clauses, to suggest improvements that will make these provisions widely applicable, and additional provisions that may address areas of sustainability not currently addressed. GSA intends to revise and publish the model provisions by Sept. 30, 2015.

The description of leasing provisions is titled ''Notice—2015–MG–04; Docket No. 2015–0002; Sequence 20, Model commercial leasing provisions: August 2015 Draft for Public Comment'' and is viewable and searchable on *regulation.gov*.

Dated: August 10, 2015.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings,General Services Administration.

[FR Doc. 2015–19980 Filed 8–13–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–15–15BBT; Docket No. CDC–2015–0068]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled National Unintentional Drug Overdose Reporting System (NUDORS). CDC will use the information collected to perform fatal unintentional drug overdose surveillance in a quickly and comprehensive way.

DATES: Written comments must be received on or before October 13, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0068 by any of the following methods:

Federal eRulemaking Portal: *Regulation.gov*. Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for

Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Unintentional Drug Overdose Reporting System (NUDORS)—New — National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2013, in the United States, there were nearly 44,000 drug overdose deaths, including nearly 36,000 unintentional drug overdose deaths. More people are now dying of drug overdose than automobile crashes in the United States. A major driver of the problem are overdoses related to opioids, both opioid pain relievers (OPRs) and illicit forms such as heroin. In order to address this public health problem, the U.S. Department of Health and Human Services (HHS) has made addressing the opioid abuse problem a high priority.

In order to support targeting of drug overdose prevention efforts, detect new trends in fatal unintentional drug overdoses, and assess the progress of HHS's initiative to reduce opioid abuse and overdoses, the National Unintentional Drug Overdose Reporting System (NUDORS) plans to generate public health surveillance information at the national, state, and local levels that is more detailed, useful, and timely than is currently available.

The goal of the proposed information collection is to generate public health surveillance information on unintentional fatal drug overdoses at the national, state, and local levels that is more detailed, useful, and timely than is currently available. This information will help develop, inform, and assess the progress of drug overdose prevention strategies at both the state and national levels.

NUDORS will collect information that is currently not collected on death certificates such as whether the drug(s) causing the overdoses were injected or taken orally, a toxicology report on the decedent, if available, and risk factors for fatal drug overdoses including previous drug overdoses, decedent's mental health, and whether the decedent recently exiting a treatment program. Without this information, drug overdose efforts are often based on limited information available in the death certificate and anecdotal evidence.

OMB approval is requested for three years. Participation is based on secondary data and is dependent on separate data collection efforts in each state managed by the state health departments or their bona fide agent. There are no costs to respondents. CDC estimates the information collection burden hours for the 16 participating state health agencies that will retrieve and refile records for this collection are 5,704.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Total number of responses per respondent	Average burden per response (in hours)	Total burden hours (in hours)
Public Agencies	Retrieving and refile records	16	713	30/60	5,704
Total					5,704

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. 2015–19992 Filed 8–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0049]

Notice of Availability of the Draft Environmental Assessment for HHS/CDC Lawrenceville Campus Proposed Improvements 2015–2025, Lawrenceville, Georgia

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability and request for comment.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the availability and opportunity for public review and comment of the Draft Environmental Assessment (Draft EA) for the HHS/CDC Lawrenceville Campus Proposed Improvements 2015–2025 on the HHS/CDC Lawrenceville Campus, Lawrenceville, Georgia. The Draft EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500–1508) and the HHS General Administration Manual (GAM) Part 30 Environmental Procedures, dated February 25, 2000.

DATES: Written comments must be received on or before September 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0049 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Comments submitted by mail should be sent to Angela Wagner, Portfolio Manager, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Attn: Docket No. CDC–2015–0049.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

Hard copies of the Draft EA are available for review at the following locations:

- Gwinnett County Public Library, Lawrenceville Branch, 1001 Lawrenceville Hwy., Lawrenceville, GA 30046, Telephone: (770) 978–5154.
- Gwinnett County Public Library, Five Forks Branch, 2780 Five Forks Trickum Road, Lawrenceville, GA 30044–5865, Telephone: (770) 978–5154.
- Gwinnett County Public Library, Grayson Branch, 700 Grayson Parkway Grayson, GA 30017–1208, Telephone: (770) 978–5154.

FOR FURTHER INFORMATION CONTACT: Angela Wagner, Portfolio Manager, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Telephone: (770) 488–8170.

SUPPLEMENTARY INFORMATION: The Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services, has prepared an Environmental Assessment (EA), to assess the potential impacts associated with the undertaking of proposed improvements on the HHS/CDC's Lawrenceville Campus located at 602 Webb Gin House Road in Lawrenceville, Georgia. The proposed improvements include (1) building demolition; (2) new building construction, including an approximately 12,000 gross square feet (gsf) Science Support Building, a new Transshipping and Receiving Area at approximately 2,500 gsf and two new Office Support Buildings at approximately 8,000 gsf and 6,000 gsf; (3) expansion and relocation of parking on campus; and (4) the creation of an additional point of access to the campus. The proposed improvements would be undertaken between 2015 and 2025 and are contingent on receipt of funding.

Since the original construction of the campus in the early 1960's, only minor changes to the Lawrenceville Campus have occurred. These changes have primarily focused on repairs or renovations to existing buildings. A collaborative and integrated planning process was undertaken by HHS/CDC staff in order to assess existing conditions on the Lawrenceville Campus and to identify any potential growth or shifts in program space use, based on longterm support of HHS/CDC's scientific mission and HHS/CDC operational requirements.

The proposed improvements are needed to maintain an appropriate facilities quality level on the Lawrenceville Campus. HHS/CDC has identified the need for new research support, and office support space to replace existing aging structures; expanded research support and office support space; and a new transshipping and receiving area to improve the movement of goods and visitors through the campus. HHS/CDC would also relocate and expand parking to satisfy a current shortfall of parking during special events and to comply with security requirements. A secondary point of access to the campus would be developed in order to provide for an emergency egress and ingress for the campus. Finally, HHS/CDC proposes to improve pedestrian infrastructure to provide a safe, high-quality pedestrian environment within the campus.

The Draft EA evaluates the potential environmental impacts that may result from the Build Alternative and the No Build Alternative on the natural and built environment. Potential impacts of each alternative are evaluated on the following resource categories: Socioeconomics; land use; zoning; public policy; community facilities; transportation; air quality; noise; cultural resources; urban design and visual resources; natural resources; utilities; waste; and greenhouse gases and sustainability.

Dated: August 3, 2015.

Pamela J. Cox,

Director, Division of the Executive Secretariat, Office of the Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2015–19861 Filed 8–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Announcement of Requirements and Registration for Million Hearts® Hypertension Control Challenge

Authority: 15 U.S.C. 3719

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

Award Approving Official: Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the Million Hearts® Hypertension Control Challenge on August 18, 2015. The challenge will be open until October 31, 2015.

Million Hearts® is a national initiative to prevent one million heart attacks and strokes by 2017. Achieving this goal means 10 million more Americans must have their blood pressure under control. Million Hearts® is working to control high blood pressure through clinical approaches, such as using health information technology to its fullest potential and integrating team-based approaches to health care, and community approaches, such as strengthening tobacco control and lowering sodium consumption. For more information about the initiative, visit *www.millionhearts.hhs.gov*.

To support improved blood pressure control, HHS/CDC is announcing the 2015 Million Hearts® Hypertension Control Challenge. The challenge will improve understanding of successful implementation strategies at the health system level by motivating clinical practices and health systems to strengthen their hypertension control efforts. It will identify clinicians, clinical practices, and health systems that have exceptional rates of hypertension control and recognize them as Million Hearts® Hypertension Control Champions. To support improved quality of care delivered to patients with hypertension, Million Hearts® will document the systems, processes, and staffing that contribute to the exceptional blood pressure control rates achieved by Champions.

Champions will receive local and national recognition.

DATES: Effective August 18, 2015. Office of Management and Budget control number 0920–0976 expires 7/31/2016.

FOR FURTHER INFORMATION CONTACT: Division for Heart Disease and Stroke Prevention, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Hwy NE., Mailstop F–77, Chamblee, GA 30341, Telephone: 770–488–2424, Email: *millionhearts@cdc.gov;* Attention: Hypertension Control Challenge.

SUPPLEMENTARY INFORMATION: The challenge is authorized by Public Law 111–358, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Reauthorization Act of 2010 (COMPETES Act).

Subject of Challenge Competition

Entrants to the Million Hearts Hypertension Control Challenge will be asked to provide two hypertension control rates for the practice's or health system's hypertensive population: a current rate for a 12-month period and a previous rate for a 12 month period a year or more before. Entrants will also be asked to provide the prevalence of hypertension in their population, and describe some population characteristics and the sustainable systems used by the practice or health system that support continued improvements in blood pressure control.

Eligibility Rules for Participating in the Competition

To be eligible to be recognized as a Hypertension Champion under this challenge, an individual or entity —

(1) Shall have completed the nomination form in its entirety to participate in the competition under the rules developed by HHS/CDC;

(2) Shall have complied with all the requirements in this section and;

a. Be a U.S. licensed clinician, practicing in any U.S. setting, who provides continuing care for adult patients with hypertension. The individual must be a citizen or permanent resident of the U.S.

b. Or be a U.S. incorporated clinical practice, defined as any practice with two or more U.S. licensed clinicians who by formal arrangement share responsibility for a common panel of patients, practice at the same physical location or street address, and provide continuing medical care for adult patients with hypertension;

c. Or be a health system, incorporated in and maintaining a primary place of business in the U.S. that provides continuing medical care for adult patients with hypertension. We encourage large health systems (those that are comprised of a large number of geographically dispersed clinics and/or have multiple hospital locations) to consider having one or a few of the highest performing clinics or regional affiliates apply individually instead of the health system applying as a whole;

(3) Must treat all adult patients with hypertension in the practice seeking care, not a selected subgroup of patients;

(4) Must have a data management system (electronic or paper) that allows HHS/CDC or their contractor to check data submitted;

(5) Must treat a minimum of 500 adult patients annually and have a hypertension control rate of at least 70%;

(6) May not be a Federal entity or Federal employee acting within the scope of their employment;

(7) Shall not be an HHS employee working on their applications or submissions during assigned duty hours;

(8) Shall not be an employee or contractor at CDC;

(9) Must agree to participate in a data validation process to be conducted by a reputable independent contractor. Data will be kept confidential by the contractor and will be shared with the CDC to the extent applicable law allows, in aggregate form only (*i.e.,* the hypertension control rate for the practice not individual hypertension values);

(10) Must have a written policy in place that conducts periodic background checks on all providers and takes appropriate action accordingly, if individual or entity is a health system. In addition, a health system background check will be conducted by CDC or a CDC contractor that includes a search for The Joint Commission sanctions and current investigations for serious institutional misconduct (*e.g.,* attorney general investigation). CDC's contractor may also request the policy and any supporting information deemed necessary.

(11) Must agree to be recognized if selected and agree to participate in an interview to develop a success story that describes the systems and processes that support hypertension control among patients. Champions will be recognized on the Million Hearts® Web site. Strategies used by Champions that support hypertension control may be written into a success story, placed on the Million Hearts® Web site, and attributed to Champions.

Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award and specifically requested to do so due to competition design.

Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge.

Individual nominees and individuals in a group practice must be free from convictions or pending investigations of criminal and health care fraud offenses such as felony health care fraud, patient abuse or neglect; felony convictions for other health care-related fraud, theft, or other financial misconduct; and felony convictions relating to unlawful manufacture, distribution, prescription, or dispensing of controlled substances as verified through the Office of the

Inspector General List of Excluded Individuals and Entities. *http://oig.hhs.gov/exclusions/background.asp*.

Individual nominees must be free from serious sanctions, such as those for misuse or mis-prescribing of prescription medications. Such serious sanctions will be determined at the discretion of the agency consistent with CDC's public health mission. CDC's contractor may perform background checks on individual clinicians or medical practices.

Champions previously recognized through the 2013 and 2014 Million Hearts Hypertension Control Challenge retain their designation as a ''Champion'' and are not eligible to be named a Champion in the 2015 challenge.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equal basis.

By participating in this challenge, an individual or organization agrees to assume any and all risks related to participating in the challenge. Individuals or organizations also agree to waive claims against the Federal Government and its related entities, except in the case of willful misconduct, when participating in the challenge, including claims for injury; death; damage; or loss of property, money, or profits, and including those risks caused by negligence or other causes.

By participating in this challenge, individuals or organizations agree to protect the Federal Government against third party claims for damages arising from or related to challenge activities.

Individuals or organizations are not required to hold liability insurance related to participation in this challenge.

No cash prize will be awarded.

Registration Process for Participants

To participate, interested parties should go to www.*millionhearts.hhs.gov*. On this site, nominees will find the entry form and the rules and guidelines for participating. Information required of the nominees on the nomination form includes:

- The size of the nominee's adult patient population, a summary of known patient demographics (*e.g.,* age distribution), and any noteworthy patient population characteristics.
- The number of the nominee's adult patients who were seen during the past year and had a hypertension diagnosis (*i.e.,* hypertension prevalence).
- The nominee's current hypertension control rate for their hypertensive population. In addition, the hypertension control rate during the previous year is required. In determining the hypertension control rate, CDC defines ''hypertension control'' as a blood pressure reading <140 mmHg systolic and <90 mmHg diastolic among patients with a diagnosis of hypertension.

The hypertension control rate should be for the provider's or health system's entire adult hypertensive patient population, not limited to a sample. Examples of ineligible data submissions include hypertension control rates that are limited to treatment cohorts from research studies or pilot studies, patients limited to a specific age range (such as 18–35), or patients enrolled in limited scale quality improvement projects.

- Sustainable clinic systems or processes that support hypertension control. These may include provider or patient incentives, dashboards, staffing characteristics, electronic record keeping systems, reminder or alert systems, clinician reporting, service modifications, etc.

The estimated burden for completing the nomination form is 30 minutes.

Recognition

Up to a total of 35 of the highest scoring clinical practices or health systems will be recognized as Million Hearts® Hypertension Control Champions.

Basis Upon Which Winner Will Be Selected

The nomination will be scored based on hypertension control rate (95% of score); and sustainable systems in the practice that support hypertension control (5% of score).

Nominees with the highest score will be required to participate in a two-phase process to verify their data. Nominees who are non-compliant or non-responsive with the data requests or timelines will be removed from further consideration. Phase 1 includes verification of the hypertension prevalence and blood pressure control rate data submitted and a background check. For nominees whose Phase 1 data is verified as accurate, phase 2 consists of a medical chart review.

A CDC-sponsored panel of three to five experts consisting of HHS/CDC staff will review the nominations that pass phase 2 to select Champions. Final selection of Champions will take into account all the information from the nomination form, the background check, and data verification. In the event of tie scores at any point in the selection process, geographic location may be taken into account to ensure a broad distribution of champions across rural or more populated areas.

Some Champions will participate in a post-challenge telephone interview. The interview will include questions about the strategies employed by the individual or organization to achieve high rates of hypertension control, including barriers and facilitators for those strategies. The interview will focus on systems and processes and should not require preparation time by the Champion. The estimated time for the interview is two hours, which includes time to review the interview protocol with the interviewer, respond to the interview questions, and review a summary data about the Champion's practices. The summary will be written as a success story and will be posted on the Million Hearts® Web site.

Additional Information

Information received from nominees will be stored in a password protected file on a secure server. The challenge Web site may post the number of nominations received but will not include information about individual nominees. The database of information submitted by nominees will not be posted on the Web site. Information collected from nominees will include general details, such as the business name, address, and contact information of the nominee. This type of information is generally publicly available. The nomination will collect and store only aggregate clinical data through the nomination process; no individual identifiable patient data will be collected or stored. Confidential or propriety data, clearly marked as such, will be secured to the full extent allowable by law.

Information for selected Champions, such as the provider, practice, or health system's name, location, hypertension control rate, and clinic practices that support hypertension control will be shared through press releases, the challenge Web site, and Million Hearts® and HHS/CDC resources.

Summary data on the types of systems and processes that all nominees use to control hypertension may be shared in documents or other communication products that describe generally used practices for successful hypertension control. HHS/CDC will use the summary data only as described.

Compliance With Rules and Contacting Contest Winners

Finalists and Champions must comply with all terms and conditions of these official rules, and winning is contingent upon fulfilling all requirements herein. The initial finalists will be notified by email, telephone, or mail after the date of the judging.

Privacy

Personal information provided by entrants on the nomination form through the challenge Web site will be used to contact selected finalists. Information is not collected for commercial marketing. Winners are permitted to cite that they won this challenge.

The names, cities, and states of selected Champions will be made available in promotional materials and at recognition events.

General Conditions

The HHS/CDC reserves the right to cancel, suspend, and/or modify the challenge, or any part of it, for any reason, at HHS/CDC's sole discretion.

Authority: 15 U.S.C. 3719

Dated: August 3, 2015.

Pamela J. Cox,

Director, Division of the Executive Secretariat, Office of the Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2015–20076 Filed 8–13–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State Court Improvement Program.

OMB No.: 0970–0307.

Description: The Court Improvement Program (CIP) is a mandatory formula grant funded under section 438 of the Social Security Act, and most recently reauthorized under the Child and Family Services Improvement and Innovation Act of 2012 (Pub. L. 112–34). The purpose of the CIP is to facilitate the handling of child welfare cases in the courts. All 50 states, Puerto Rico, and the District of Columbia receive grants under the program. The program requires two submissions annually from grantees that constitute information collections under the Paperwork Reduction Act.

The purpose of this notice is to request an extension of the Office of Management and Budget Control Number 0907–0307 permitting continued use of the information collections requires by ACF–CB–PI–12–02. The burden estimates are provided below. The Administration on Children, Youth, and Families anticipates issuing a new Program Instruction following reauthorization of the program in federal fiscal year 2017.

Respondents: State Courts.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	92	4,784
Annual Reports	52	1	86	4,472

Estimated Total Annual Burden Hours: 9,256.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–20073 Filed 8–13–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: Office of Child Support Enforcement Child Support Portal Registration.

OMB No.: 0970–0370.

Description: The federal Office of Child Support Enforcement (OCSE), Division of Federal Systems maintains the Child Support Portal, which contains a variety of child support applications to help enforce state child support cases. To securely access child support applications, authorized users must register to use the Child Support Portal. Information collected from the registration form is used to authenticate and authorize the users.

The OCSE Child Support Portal Registration information collection activities are authorized by 42 U.S.C. 653(m)(2), which requires the Secretary to establish and implement safeguards to restrict access to confidential information in the Federal Parent Locator Service to authorized persons and to restrict use of such information to authorized purposes.

Respondents: Employers, Financial Institutions, Insurers, Tribal, and State Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Registration Screens	299	1	0.15	44.85

Estimated Total Annual Burden Hours: 45.

Additional Information

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–20121 Filed 8–13–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

National Mammography Quality Assurance Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the National Mammography Quality Assurance Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the National Mammography Quality Assurance Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until July 6, 2017.

DATES: Authority for the National Mammography Quality Assurance Advisory Committee will expire on July 6, 2017 unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Sara J. Anderson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg 66, Rm. 1643, Silver Spring, MD, 20993, *Sara.Anderson@fda.hhs.gov,* 301 796–7047.

SUPPLEMENTARY INFORMATION: Under 41 CFR 102–3.65 and approval by the Department of Health and Human Services under 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the National Mammography Quality Assurance Advisory Committee. The committee is a statutory Federal advisory committee established to provide advice to the Commissioner.

The Secretary and, by delegation, the Assistant Secretary for the Office of Public Health and Science, and the Commissioner of Food and Drugs are charged with the administration of the Federal Food, Drug and Cosmetic Act and various provisions of the Public Health Service Act. The Mammography Quality Standards Act of 1992 amends the Public Health Service Act to establish national uniform quality and safety standards for mammography facilities. The National Mammography Quality Assurance Advisory Committee advises the Secretary and, by delegation, the Commissioner of Food and Drugs in discharging their responsibilities with respect to establishing a mammography facilities certification program.

The Committee shall advise the Food and Drug Administration on:

A. Developing appropriate quality standards and regulations for mammography facilities;

B. Developing appropriate standards and regulations for bodies accrediting mammography facilities under this program;

C. Developing regulations with respect to sanctions;

D. Developing procedures for monitoring compliance with standards;

E. Establishing a mechanism to investigate consumer complaints;

F. Reporting new developments concerning breast imaging which should be considered in the oversight of mammography facilities;

G. Determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel on access to the services of such facilities in such areas;

H. Determining whether there will exist a sufficient number of medical physicists after October 1, 1999; and

I. Determining the costs and benefits of compliance with these requirements.

The Committee shall consist of a core of 15 members, including the Chair. Members and the Chair are selected by the Commissioner or designee from among physicians, practitioners, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on mammography. Members will be invited to serve for overlapping terms of up to four years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members shall include at least 4 individuals from among national breast cancer or consumer health organizations with expertise in mammography, and at least 2 practicing physicians who provide mammography services. In addition to the voting members, the Committee shall include 2 nonvoting industry representatives who have expertise in mammography equipment. The Committee may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests.

Further information regarding the most recent charter and other information can be found at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Radiation-EmittingProducts/NationalMammographyQualityAssuranceAdvisoryCommittee/ucm124611.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no

amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: August 10, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–20050 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0967]

Intent To Exempt Certain Unclassified, Class II, and Class I Reserved Medical Devices From Premarket Notification Requirements; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''Intent to Exempt Certain Unclassified, Class II, and Class I Reserved Medical Devices from Premarket Notification Requirements,'' which updates an earlier guidance of the same title published in the **Federal Register** on July 1, 2015. This guidance describes FDA's intent to exempt certain unclassified medical devices (that FDA intends to classify into class I or II), certain class II medical devices, and certain class I medical devices from premarket notification requirements. Due to an administrative error, certain comments to this Docket were not considered prior to the July 1, 2015, guidance publication. These comments have now been considered. FDA believes additional devices and product codes are sufficiently well understood and do not require premarket notification to assure their safety and effectiveness. As such, FDA is updating and adding these to the guidance.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Intent to Exempt Certain Unclassified, Class II, and Class I Reserved Medical Devices from Premarket Notification Requirements'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Angela C. Krueger, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1666, Silver Spring, MD 20993–0002, 301–796–6380.

SUPPLEMENTARY INFORMATION:

I. Background

In the commitment letter (section 1.G of the Performance Goals and Procedures) that was drafted as part of the reauthorization process for the Medical Device User Fee Amendments of 2012, part of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), FDA committed to identifying low-risk medical devices to exempt from premarket notification requirements. This guidance describes FDA's intent to exempt certain unclassified medical devices (that FDA intends to classify into class I or II), certain class II medical devices, and certain class I medical devices (that no longer meet the ''reserved'' criteria in section 510(*l*) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(*l*))) from premarket notification requirements. FDA believes the devices and product codes being added to this guidance document are sufficiently well understood and do not require 510(k) notification to assure their safety and effectiveness.

The draft of this guidance was made available in the **Federal Register** on August 1, 2014 (79 FR 44804). The comment period closed on September 30, 2014. FDA received 55 sets of comments on the draft guidance. FDA published a final guidance on July 1, 2015 (80 FR 37633). However, due to an administrative error, certain comments were not considered prior to the July 1, 2015, guidance publication. These comments have now been considered, and, based on that review, FDA is updating and adding certain devices and product codes to the guidance.

These comments requested that FDA include approximately 390 additional product codes in the guidance. Of these product codes, more than 110 were ones regulated by the Office of In Vitro Diagnostics and Radiological Health, which were outside of the scope of FDA's review to identify low-risk devices to ultimately exempt from premarket notification requirements. Additionally, for approximately 75 of the product codes, the comments noted that additional controls, such as conformance to recognized standards, would be necessary if 510(k)s were not submitted for these devices. Because the imposition of such controls would go beyond the scope of this guidance, FDA is not adding these device types and product codes to the guidance.

The comments also requested the addition of 18 product codes to the guidance that were either already in the final guidance published on July 1, 2015, exempt from premarket notification, or for which FDA is currently exercising enforcement discretion (Ref. 1). For example, more than 30 comments spoke to the inclusion of product code NUQ (Pad, Menstrual, Reusable), which was included in the draft guidance document, and remained in the final guidance document issued July 1, 2015.

FDA has considered the remaining product codes proposed in the comments and has determined that the following eight additional product codes should be included in the guidance document: Product code DTL, Adaptor, Stopcock, Manifold, Fitting, Cardiopulmonary Bypass (see 21 CFR 870.4290—Cardiopulmonary bypass adaptor, stopcock, manifold, or fitting); product code OCY, Endoscopic Guidewire, Gastroenterology-urology (see 21 CFR 876.1500—Endoscope and accessories); product code KOE, Dilator, urethral (see 21 CFR 876.5520—Urethral dilator); product code FTA, Light, Surgical, Accessories (see 21 CFR 878.4580—Surgical lamp); product code GZM, Analyzer, Rigidity (see 21 CFR 882.1020—Rigidity analyzer); product code GZO, Device, Galvanic Skin Response Measurement (see 21 CFR 882.1540—Galvanic skin response measurement device); product code HCJ, Device, Skin Potential Measurement (see 21 CFR 882.1560—Skin potential measurement device);

and product code HLJ, Ophthalmoscope, Battery-powered (see 21 CFR 886.1570—Ophthalmoscope). FDA has determined it is appropriate to add these product codes to the guidance because FDA has tentatively concluded they are sufficiently well understood and do not require premarket notification (510(k)) to assure their safety and effectiveness.

Seven comments also requested the removal or clarification of specific product codes in the draft guidance. The issues raised in these comments were addressed by the removal of certain product codes from the draft guidance, and the clarification of two product codes: Product code MRQ, Analyzer, Nitrogen Dioxide; and product code KKX, Drape, Surgical. Moreover, in response to the issues raised, FDA is clarifying that it is not the Agency's intent to exempt combination products or single entity products containing antimicrobial agents. For the remaining product codes identified in those comments, FDA believes that the product codes are sufficiently well understood and do not require premarket notification (510(k)) to assure their safety and effectiveness. Thus, FDA has not removed these products codes from the guidance.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the intent to exempt certain unclassified, class II, and class I reserved medical devices from premarket notification requirements. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Intent to Exempt Certain Unclassified, Class II, and Class I Reserved Medical Devices from Premarket Notification Requirements'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1300046 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

VI. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses in this reference section, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. FDA announced that it would exercise enforcement discretion for premarket notification for the following product codes, among others, if the devices meet the criteria set forth in guidance: OFX, OKF, OKG, OKH, OKI, LRO, and OJW. See Convenience Kits Interim Regulatory Guidance (May 1997), available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm080217.pdf.*

Dated: August 10, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–20005 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–2711]

Neurodiagnostics and Non-Invasive Brain Stimulation Medical Devices; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following two-day public workshop entitled, ''Neurodiagnostics and Non-Invasive Brain Stimulation Medical Devices Workshop''. The focus of the first day of the workshop will be cognitive assessment medical devices, which are intended to provide healthcare professionals with an evaluation of cognitive function through non-invasive measurements. The focus of the second day of the workshop will be non-invasive brain stimulation medical devices, which are medical devices that are intended to improve, affect, or otherwise modify the cognitive function of a normal individual (*i.e.,* without a treatment objective) by means of non-invasive electrical or electromagnetic stimulation to the head. The purpose of this workshop is to obtain public input and feedback on scientific, clinical, and regulatory considerations associated with medical devices for assessing and influencing cognitive function. Ideas generated during this workshop may facilitate further development of guidance regarding the content of premarket submissions for neurodiagnostics and non-invasive brain stimulation medical devices and help to speed development and approval of future submissions.

Dates and Times: The public workshop will be held on November 19 and 20, 2015, from 8:30 a.m. to 5 p.m.

Location: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Persons: Hilda Scharen, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm 3625, Silver Spring, MD 20993, 301–796–6815, *Hilda.Scharen@fda.hhs.gov;* or Jay Gupta, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, *Jay.Gupta@fda.hhs.gov,* 301–796–2795.

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by November 6, 2015, at 4 p.m. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7:30 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, *susan.monahan@fda.hhs.gov* or 301–796–5661 no later than November 5, 2015.

To register for the public workshop, please visit FDA's Medical Devices Workshops and Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* Select this meeting/public workshop from the posted events list. Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone number. Those without Internet access should contact Susan Monahan to register (see *Contact for special accommodations*). Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be available via Webcast. Persons interested in viewing the Webcast must register online by 4 p.m., November 6, 2015. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after November 10, 2015. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Comments: In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is December 5, 2015.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. In addition, when providing comments to the topics as outlined in section II of this document, please identify the question you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The address of the Division of Freedom of Information is available on the Agency's Web site at *http://www.fda.gov*. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

Cognitive assessment medical devices are intended to provide healthcare professionals with an evaluation of cognitive function through non-invasive measurements. Non-invasive brain stimulation medical devices are intended to improve, affect, or otherwise modify the cognitive function of a normal individual (*i.e.,* has no cognitive impairment) by means of non-invasive electrical or electromagnetic stimulation to the head. These medical devices both present important safety and effectiveness questions as well as study design and data analysis challenges.

II. Topics for Discussion at the Public Workshop

The workshop seeks to involve industry and academia in addressing scientific, clinical, and regulatory considerations associated with medical devices for assessing and influencing cognitive function. By bringing together relevant stakeholders, which include scientists, patient advocates, clinicians, researchers, industry representatives, and regulators, to this workshop, we hope to facilitate the improvement of this rapidly evolving product area.

This workshop is aimed to address scientific, clinical, and regulatory considerations associated with medical devices for assessing and influencing cognitive function; including, but not limited to, the following topic areas:

- Considerations for clinical study trial designs, patient populations, and patient selection methods;
- considerations for clinical study endpoints, *e.g.,* clinically relevant outcome measures and related statistical analyses;
- identification of risks and risk mitigation strategies; and
- evaluation of prior studies, current clinical research, and available scientific and clinical evidence.

Dated: August 10, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–19990 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Science Advisory Board to the National Center for Toxicological Research 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 Committee: Science Advisory Board (SAB) to the National Center for Toxicological Research (NCTR).

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 3, 2015, from 12:30 p.m. to 5 p.m., and November 4, 2015, from 8 a.m. to 5 p.m.

Location: NCTR SAB, 3900 NCTR Rd., Conference rm. B–12, Jefferson, AR 72079. 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: Donna Mendrick, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2208, Silver Spring, MD 20993–0002, 301–796–8892; 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: On November 3, 2015, the SAB Chair will welcome the participants, and the NCTR Director will provide a Center-wide update on scientific initiatives and accomplishments during the past year. The SAB will be presented with an overview of the Division of Biochemistry Subcommittee and the Subcommittee Site Visit Report. Representatives from the Office of the Chief Scientist and Office of Medical Products and Tobacco will discuss research needs and opportunities for collaborations with NCTR.

On November 4, 2015, the Center for Drug Evaluation and Research, Center for Devices and Radiological Health, Center for Biologics Evaluation and Research, Center for Tobacco Products, Center for Veterinary Medicine, and Office of Regulatory Affairs will each briefly discuss their Center-specific research strategic needs. Following the public session, the SAB will hear an update from each of NCTR's research divisions.

Following an open discussion of all the information presented, the open session of the meeting will close so the SAB members can discuss personnel issues at NCTR at the end of each day.

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 November 3, 2015, from 12:30 p.m. to 5 p.m., and November 4, 2015, from 8 a.m. to 4:15 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 committee. Written submissions may be made to the contact person on or before October 27, 2015. Oral presentations from the public will be scheduled between approximately 11:45 a.m. and 12:45 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 October 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 October 20, 2015.

Closed Committee Deliberations: On November 4, 2015, from 4:15 p.m. to 5 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussions of information concerning individuals associated with the research programs at NCTR.

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 Donna Mendrick 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 10, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–20051 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451; formerly Docket No. 2004N–0226]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 040

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 040'' (Recognition List Number: 040), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit electronic or written comments concerning this document at any time. See section VII for the effective date of the recognition of standards announced in this document.

ADDRESSES: An electronic copy of Recognition List Number: 040 is available on the Internet at *http://*

www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm. See section VI for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 040 modifications and other standards related information.

Submit written requests for a single hard copy of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 040'' to the Division of Industry and Consumer Education, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149.

Submit electronic comments on this document to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Scott A. Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3632, Silver Spring, MD 20993, 301–796–6287, *standards@cdrh.fda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In a notice published in the **Federal Register** of February 25, 1998 (63 FR 9561), FDA announced the availability of a guidance entitled ''Recognition and Use of Consensus Standards.'' The notice described how FDA would implement its standard recognition program and provided the initial list of recognized standards.

Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.*

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains HTML and PDF versions of the list of FDA Recognized Consensus Standards. Both versions are publicly accessible at the Agency's Internet site. See section VI for electronic access information. Interested persons should review the supplementary information sheet for the standard to understand fully the extent to which FDA recognizes the standard.

II. Modifications to the List of Recognized Standards, Recognition List Number: 040

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency will recognize for use in premarket submissions and other requirements for devices. FDA will incorporate these modifications in the list of FDA Recognized Consensus Standards in the Agency's searchable database. FDA will use the term ''Recognition List Number: 040'' to identify these current modifications.

In table 1, FDA describes the following modifications: (1) The withdrawal of standards and their replacement by others, if applicable; (2) the correction of errors made by FDA in listing previously recognized standards; and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

In section III, FDA lists modifications the Agency is making that involve the initial addition of standards not previously recognized by FDA.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
A. Anesthesia			
1–46	1–103	ISO 5367 Fifth edition 2014–10–15 Anaesthetic and respiratory equipment—Breathing sets and connectors.	Withdrawn and replaced with newer version.
1–82		IEC 60601–2–13 Edition 3.1 2009–08, Medical electrical equipment—Part 2–13: Particular requirements for the safety and essential performance of anaesthetic systems.	Withdrawn. See 1–104.
B. Biocompatibility			
2–179	2–220	ISO 10993–1 Fourth edition 2009–10–15 Biological evaluation of medical devices—Part 1:. Evaluation and Testing within a risk management process [Including: Technical Corrigendum 1 (2010)].	Withdrawn and replaced with newer version including Technical Corrigendum.
2–208	2–215	USP 38–NF33:2015 <87> Biological Reactivity Test, In Vitro—Direct Contact Test.	Withdrawn and replaced with newer version.
2–209	2–216	USP 38–NF33:2015 <87> Biological Reactivity Test, In Vitro—Elution Test.	Withdrawn and replaced with newer version.
2–210	2–217	USP 38–NF33:2015 <88> Biological Reactivity Tests, In Vivo, Procedure Preparation of Sample.	Withdrawn and replaced with newer version.
2–211	2–218	USP 38–NF33:2015 <88> Biological Reactivity Test, In Vitro, Classification of Plastics—Intracutaneous Test.	Withdrawn and replaced with newer version.
2–212	2–219	USP 38–NF33:2015 <88> Biological Reactivity Tests, In Vivo, Classification of Plastics—Systemic Injection Test.	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
C. Cardiovascular			
3–76		ASTM F2129–08 Standard Test Method for Conducting Cyclic Potentiodynamic Polarization Measurements to Determine The Corrosion Susceptibility of Small Implant Devices.	Transferred. See 8–177.
3–117		ANSI/AAMI/ISO 81060–2:2013 Non-invasive sphygmomanometers—Part 2: Clinical validation of automated measurement type.	Extent of recognition.
3–122		ISO 81060–2 Second edition 2013–05–01 Non-invasive sphygmomanometers—Part 2: Clinical validation of automated measurement type.	Extent of recognition.
D. Dental/Ear, Nose, and Throat (ENT)			
4–105		ANSI/ADA Standard No.75 (Reaffirmed by ANSI: September 8, 2014) Resilient Lining Materials For Removable Dentures, Part 1: Short-Term Materials.	Reaffirmation.
4–130		ANSI/ADA Standard No. 17 (Reaffirmed by ANSI: September 8, 2014) Denture Base Temporary Relining Resins.	Reaffirmation.
4–150		ANSI/ADA Specification No. 19–2004/ISO 4823:2000 (Reaffirmed by ANSI: October 6, 2014) Dental Elastomeric Impression Materials.	Reaffirmation.
4–184		ANSI/ASA S3.25–2009 (Revision of ANSI S3.25–1989) (Reaffirmed by ANSI September 11, 2014) American National Standard For an Occluded Ear Simulator.	Reaffirmation.
4–191	4–220	ANSI/ASA S3.22–2014 AMERICAN NATIONAL STANDARD Specification of Hearing Aid Characteristics.	Withdrawn and replaced with newer version.
E. General I (Quality Systems/Risk Management (QS/RM))			
5–67		ANSI/AAMI/IEC 62366:2007/(R)2013 Medical devices—Application of usability engineering to medical devices.	Withdrawn. See 5–96.
5–87		IEC 62366 Edition 1.1 2014–01 Medical devices—Application of usability engineering to medical devices.	Withdrawn. See 5–95.
5–94		AAMI/CN20 (PS):2014 Small-bore connectors for liquids and gases in healthcare applications—Part 20: Common test methods.	Withdrawn. See 5–97.
F. General II (Electrical Safety/Electromagnetic Compatibility (ES/EMC))			
19–6		IEC 60601–1–11 Edition 1.0 2010–04 Medical Electrical Equipment—Part 1–11: General Requirements for Basic Safety and Essential Performance—Collateral Standard: Requirements for Medical Electrical Equipment and Medical Electrical Systems used in the Home Healthcare Environment [Including: Technical Corrigendum 1 (2011)].	Transition Period Added.
G. General Hospital/General Plastic Surgery (GH/GPS)			
6–110		ASTM F1441–03 (Reapproved 2014) Standard Specification for Soft-Tissue Expander Devices.	Reaffirmation.
6–185		ASTM F881 – 94 (Reapproved 2014) Standard Specification for Silicone Elastomer Facial Implants.	Reaffirmation.
6–200		ASTM E1061–01 (Reapproved 2014) Standard Specification for Direct-Reading Liquid Crystal Forehead Thermometers.	Reaffirmation.
6–274	6–341	ISO 11608–1 Third Edition 2014–12–15 Needle-based injection systems for medical use—Requirements and test methods—Part 1: Needle-based injection systems.	Withdrawn and replaced with newer version.
6–301		ISO 10555–1 Second Edition 2013–07–01 Sterile, single-use intravascular catheters—Part 1: General requirements.	Extent of Recognition.
6–308	6–342	IEC 80601–2–35 Edition 2.0 2009–10 Medical electrical equipment—Part 2–35: Particular requirements for the basic safety and essential performance of heating devices using blankets, pads or mattresses and intended for heating in medical use [Including: Technical Corrigendum 1 (2012) and Technical Corrigendum 2 (2015)].	Withdrawn and replaced with newer version including Technical Corrigendum.
6–326	6–343	USP 38–NF 33:2015 Sodium Chloride Irrigation	Withdrawn and replaced with newer version.
6–327	6–344	USP 38–NF 33:2015 Sodium Chloride Injection	Withdrawn and replaced with newer version.
6–328	6–345	USP 38–NF33:2015 Nonabsorbable Surgical Suture	Withdrawn and replaced with newer version.
6–329	6–346	USP 38–NF33:2015 <881> Tensile Strength	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
6–330	6–347	USP 38–NF33:2015 <861> Sutures—Diameter	Withdrawn and replaced with newer version.
6–331	6–348	USP 38–NF33:2015 <871> Sutures—Needle Attachment	Withdrawn and replaced with newer version.
6–332	6–349	USP 38–NF33:2015 Sterile Water for Irrigation	Withdrawn and replaced with newer version.
6–333	6–350	USP 38–NF33:2015 Heparin Lock Flush Solution	Withdrawn and replaced with newer version.
6–334	6–351	USP 38–NF33:2015 Absorbable Surgical Suture	Withdrawn and replaced with newer version.
		H. In Vitro Diagnostics (IVD)	
7–110	7–251	CLSI EP05–A3 Evaluation of Precision Performance of Quantitative Measurement Methods; Approved Guideline-Third Edition.	Withdrawn and replaced with newer version.
7–143	7–252	CLSI EP14–A3 Evaluation of Matrix Effects; Approved Guideline—Third Edition.	Withdrawn and replaced with newer version.
7–153	7–253	CLSI EP15–A3 User Verification of Performance for Precision and Estimation of Bias; Approved Guideline-Third Edition.	Withdrawn and replaced with newer version.
7–230	7–254	CLSI M07–A10 Methods for Dilution Antimicrobial Susceptibility Tests for Bacteria that Grow Aerobically; Approved Standard—Ninth Edition.	Withdrawn and replaced with newer version.
7–123	7–255	CLSI MM09–A2 Nucleic Acid Sequencing Methods in Diagnostic Laboratory Medicine; Approved Guideline—Second Edition.	Withdrawn and replaced with newer version.
7–247	7–256	CLSI M100–S25 Performance Standards for Antimicrobial Susceptibility Testing; Twenty-Fifth Informational Supplement.	Withdrawn and replaced with newer version.
		I. Materials	
8–59	8–386	ISO 5832–4 Third edition 2014–09–15 Implants for surgery—Metallic materials—Part 4: Cobalt-chromium-molybdenum casting alloy.	Withdrawn and replaced newer version.
8–63	8–387	ISO 5832–11 Second edition 2014–09–15 Implants for surgery—Metallic materials—Part 11: Wrought titanium 6-aluminium 7-niobium alloy.	Withdrawn and replaced with newer version.
8–177		ASTM F2129–08 Standard Test Method for Conducting Cyclic Potentiodynamic Polarization Measurements to Determine the Corrosion Susceptibility of Small Implant Devices.	Updated to incorporate transferred recognitions 3–76 and 17–9.
		J. Neurology	
17–9		ASTM F2129–08 Standard Test Method for Conducting Cyclic Potentiodynamic Polarization Measurements to Determine the Corrosion Susceptibility of Small Implant Devices.	Transferred. See 8–177.
17–4		ASTM F647–94(2014) Standard Practice for Evaluating and Specifying Implantable Shunt Assemblies for Neurosurgical Application.	Reaffirmation.
		K. Obstetrics-Gynecology-Urology-Gastroenterology (OB–GYN–GU)/Gastroenterology	
9–73	9–104	ANSI/AAMI/ISO 13958:2014 Concentrates for hemodialysis and related therapies.	Withdrawn and replaced with newer version.
9–97		ISO 13958 Third edition 2014–04–01 Concentrates for haemodialysis and related therapies.	Extent of recognition.
9–69	9–105	ANSI/AAMI 13959:2014 Water for hemodialysis and related therapies	Withdrawn and replaced with newer version.
9–100		ISO 11663 Second edition 2014–04–01 Quality of dialysis fluid for haemodialysis and related therapies.	Extent of recognition.
9–71	9–106	ANSI/AAMI/ISO 11663:2014 Quality of dialysis fluid for hemodialysis and related therapies.	Withdrawn and replaced with newer version.
9–70	9–107	ANSI/AAMI 23500:2014 Guidance for the preparation and quality management of fluids for hemodialysis and related therapies.	Withdrawn and replaced with newer version.
9–102		ISO 4074 Second edition 2014–08–15 Natural latex rubber condoms—Requirements and test methods.	Extent of recognition.
9–90	9–108	ISO 8009 Second edition 2014–11–15 Mechanical contraceptives—Reusable natural and silicone rubber contraceptive diaphragms—Requirements and tests.	Withdrawn and replaced with newer version.
9–56	9–109	ASTM D3492–08 Standard Specification for Rubber Contraceptives (Male Condoms).	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
		L. Ophthalmic	
10–29	10–94	ISO 14730 Second edition 2014–10–01 Ophthalmic Optics—Contact lens care products—antimicrobial preservative efficacy testing and guidance on determining discard date.	Withdrawn and replaced with newer version.
10–55	10–95	ISO 11979–6 Third edition 2014–10–01 Ophthalmic implants—intraocular lenses—Part 6: Shelf-life and transport stability.	Withdrawn and replaced with newer version.
10–62	10–96	ANSI Z80.10–2014 American National Standard for Opthalmics Ophthalmic Instruments—Tonometers.	Withdrawn and replaced with newer version.
10–68	10–97	ISO 13212 Third edition 2014–09–01 Ophthalmic Optics-Contact lens care products—Guidelines for determination of shelf-life.	Withdrawn and replaced with newer version.
10–82	10–98	ISO 11979–2 Second edition 2014–08–15 Ophthalmic implants—Intraocular lenses—Part 2: Optical properties and test methods.	Withdrawn and replaced with newer version.
		M. Orthopedic	
11–240	11–287	ASTM F382–14 Standard Specification and Test Method for Metallic Bone Plates.	Withdrawn and replaced newer version.
11–235	11–288	ASTM F2077–14 Test Methods for Intervertebral Body Fusion Devices	Withdrawn and replaced with newer version.
11–207	11–289	ASTM F2193–14 Standard Specifications and Test Methods for Components Used in the Surgical Fixation of the Spinal Skeletal System.	Withdrawn and replaced with newer version.
11–183		ASTM F1875–98 (Reapproved 2014) Standard Practice for Fretting Corrosion Testing of Modular Implant Interfaces: Hip Femoral Head-Bore and Cone Taper Interface.	Reaffirmation.
11–266		ASTM F2665–09 (Reapproved 2014) Standard Specification for Total Ankle Replacement Prosthesis.	Reaffirmation.
11–224		ASTM F2706–08 (Reapproved 2014) Standard Test Methods for Occipital-Cervical and Occipital-Cervical-Thoracic Spinal Implant Constructs in a Vertebrectomy Model..	Reaffirmation.
11–80	11–290	ISO 8828 Second edition 2014–11–15 Implants for surgery—Guidance on Care and Handling of Orthopaedic Implants.	Withdrawn and replaced with newer version.
11–248	11–291	ISO 14242–1 Third edition 2014–10–15 Implants for surgery—Wear of total hip-joint prostheses—Part 1: Loading and displacement parameters for wear testing machines and corresponding environmental conditions for test.	Withdrawn and replaced with newer version.
11–250	11–292	ISO 14243–3 Second edition 2014–11–01 Implants for surgery—Wear of total knee prostheses—Part 3: Loading and displacement parameters for wear—testing machines with displacement control and corresponding environmental conditions for test.	Withdrawn and replaced with newer version.
		N. Radiology	
12–102		ANSI/IESNA RP–27.2–2000 (Reaffirmed 2011) Photobiological Safety for Lamp & Lamp Systems-Measurement Techniques.	Reaffirmation.
12–212	12–289	IEC 62220–1–1 Edition 1.0 2015–03 Medical electrical equipment—Characteristics of digital x-ray imaging devices—Part 1–1: Determination of the detective quantum efficiency—Detectors used in radiographic imaging.	Withdrawn and replaced with newer version.
12–229	12–290	IEC 61910–1 Edition 1.0 2014–09 Medical electrical equipment—Radiation dose documentation—Part 1: Radiation dose structured reports for radiography and radioscopy.	Withdrawn and replaced with newer version.
12–278	12–291	IEC 62127–2 Edition 1.1 2013–02 Ultrasonics Hydrophones—Part 2: Calibration for ultrasonic fields up to 40 MHz.	Withdrawn and replaced with newer version.
		O. Sterility	
14–193	14–457	ANSI/AAMI/ISO 11607–1:2006/(R)2010 Packaging for terminally sterilized medical devices—Part 1: Requirements for materials, sterile barrier systems and packaging [Including: Amendment 1 (2014)].	Withdrawn and replaced with newer version including Amendment.
14–194	14–458	ANSI/AAMI/ISO 11607–2:2006/(R)2010 Packaging for terminally sterilized medical devices—Part 2: Validation requirements for forming, sealing and assembly processes[Including: Amendment 1 (2014)].	Withdrawn and replaced with newer version including Amendment.
14–195	14–459	ANSI/AAMI/ISO 11140–1:2014 Sterilization of health care products—Chemical indicators—Part 1: General requirements.	Withdrawn and replaced with newer version.
14–287		ANSI/AAMI/ISO 11737–2:2009/(R)2014 Sterilization of medical devices—Microbiological methods—Part 2: Tests of sterility performed in the definition, validation and maintenance of a sterilization process.	Reaffirmation.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
14–297	14–461	ANSI/AAMI/ISO 11137–1:2006/(R) 2010 Sterilization Of Health Care Products—Radiation—Part 1: Requirements For Development, Validation, And Routine Control Of A Sterilization Process For Medical Devices [Including: Amendment 1 (2013)].	Withdrawn and replaced with newer version including Amendment.
14–300	14–462	ASTM D4169—14 Standard Practice for Performance Testing of Shipping Containers and Systems.	Withdrawn and replaced with newer version.
14–327		ISO 11737–2 Second edition 2009–11–15 Sterilization of medical devices—Microbiological methods—Part 2: Tests of sterility performed in the definition, validation and maintenance of a sterilization process.	Extent of Recognition.
14–350		ANSI/AAMI/ISO 13408–4:2005/(R)2014, Aseptic processing of health care products—Part 4: Clean-in-place technologies.	Reaffirmation.
14–353	14–460	ISO 11140–1 Third edition 2014–11–01 Sterilization of health care products—Chemical indicators—Part 1: General requirements.	Withdrawn and replaced with newer version.
14–391	14–463	ISO/ASTM 51608 Third edition 2015–03–15 Practice for dosimetry in an X-ray (bremsstrahlung) facility for radiation processing at energies between 50 KeV and 7.5 MeV.	Withdrawn and replaced with newer version.
14–392	14–464	ISO/ASTM 51649 Third edition 2015–03–15 Practice for dosimetry in an electron beam facility for radiation processing at energies between 300 keV and 25 MeV.	Withdrawn and replaced with newer version.
14–431	14–465	ISO/ASTM 51707 Third edition 2015–03–15 Guide for estimation of measurement uncertainty in dosimetry for radiation processing.	Withdrawn and replaced with newer version.
14–440	14–466	USP 38–NF33:2015 <61> Microbiological Examination of Nonsterile Products: Microbial Enumeration Tests.	Withdrawn and replaced with newer version.
14–441	14–467	USP 38–NF33:2015 <71> Sterility Tests	Withdrawn and replaced with newer version.
14–442	14–468	USP 38–NF33:2015 <85> Bacterial Endotoxins Test	Withdrawn and replaced with newer version.
14–443	14–477	USP 38–NF33:2015 <151> Pyrogen Test (USP Rabbit Test)	Withdrawn and replaced with newer version.
14–444	14–469	USP 38–NF33:2015 <161> Transfusion and Infusion Assemblies and Similar Medical Devices.	Withdrawn and replaced with newer version.
14–445	14–470	USP 38–NF33:2015 Biological Indicator for Steam Sterilization—Self Contained.	Withdrawn and replaced with newer version.
14–446	14–471	USP 38–NF33:2015 Biological Indicator for Dry-Heat Sterilization, Paper Carrier.	Withdrawn and replaced with newer version.
14–447	14–472	USP 38–NF33:2015 Biological Indicator for Ethylene Oxide Sterilization, Paper Carrier.	Withdrawn and replaced with newer version.
14–448	14–473	USP 38–NF33:2015 Biological Indicator for Steam Sterilization, Paper Carrier.	Withdrawn and replaced with newer version.
14–449	14–474	USP 38–NF33:2015 <62> Microbiological Examination of Nonsterile Products: Tests for Specified Microorganisms.	Withdrawn and replaced with newer version.
14–450	14–475	USP 38–NF33:2015 <55> Biological Indicators—Resistance Performance Tests.	Withdrawn and replaced with newer version.
14–451	14–476	USP 38–NF33:2015 <1035> Biological Indicators for Sterilization	Withdrawn and replaced with newer version.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In table 2, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 040.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
	A. Anesthesia	
1–104	Medical electrical equipment—Part 2–13: Particular Requirements for basic safety and essential performance of an anaesthetic workstation [Including: Amendment 1 (2015)].	ISO 80601–2–13 First Edition 2011–08–01 and Amendment 1 2015.
1–105	Medical electrical equipment—Part 2–72: Particular requirements for basic safety and essential performance of home healthcare environment ventilators for ventilator-dependent patients.	ISO 80601–2–72 First Edition 2015–04–11.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
	B. Biocompatibility	
2–221	Biological Evaluation of Medical Devices: Part 2—Animal Welfare Requirements ..	ANSI/AAMI/ISO 10993–2:2006 (R2014).
2–222	Biological Evaluation of Medical Devices: Part 2—Animal Welfare Requirements ..	ISO 10993–2 Second edition 2006–07–15.
	C. Cardiovascular	
3–135	Cardiovascular implants and extracorporeal systems—Vascular device-drug combination products.	ISO/TS 12417–1 First edition 2011–06–01.
3–136	Cardiovascular implants and extracorporeal systems—Vascular device-drug combination products.	ANSI/AAMI/ISO TIR12417:2011.
3–137	Standard Guide for Testing Absorbable Stents	ASTM F3036–13.
3–138	Standard Guide for in vitro Axial, Bending, and Torsional Durability Testing of Vascular Stents.	ASTM F2942–13.
3–139	Active implantable medical devices—Electromagnetic compatibility—EMC test protocols for implantable cardiac pacemakers, implantable cardioverter defibrillators and cardiac resynchronization devices.	ISO 14117 First edition 2012–07–15.
	D. General I (Quality Systems/Risk Management)	
5–95	Medical devices—Part 1: Application of usability engineering to medical devices ..	IEC 62366–1 Edition 1.0 2015–02.
5–96	Medical devices—Part 1: Application of usability engineering to medical devices ..	ANSI/AAMI/IEC 62366–1:2015.
5–97	Small-bore connectors for liquids and gases in healthcare applications—Part 20: Common test methods.	ISO 80369–20 First edition 2015–05–15.
	E. General II (ES/EMC)	
19–14	Medical electrical equipment—Part 1–11: General requirements for basic safety and essential performance—Collateral Standard: Requirements for medical electrical equipment and medical electrical systems used in the home healthcare environment.	IEC 60601–1–11 Edition 2.0 2015–01.
19–15	Medical electrical equipment—Part 1–12: General requirements for basic safety and essential performance—Collateral Standard: Requirements for medical electrical equipment and medical electrical systems intended for use in the emergency medical services environment.	IEC 60601–1–12 Edition 1.0 2014–06.
	F. GH/GPS	
6–352	Standard Specification for Implantable Breast Prostheses	ASTM F703–07.
6–353	Standard Specification for Implantable Saline Filled Breast Prosthesis	ASTM F2051 – 00 (Reapproved 2014).
6–354	Standard Specification for Radiation Attenuating Protective Gloves	ASTM D7866–14.
	G. IVD	
7–257	Principles and procedures for Detection of Anaerobes in Clinical Specimens; Approved Guideline.	CLSI M56–A.
7–258	Performance Standards for Antimicrobial Disk Susceptibility Tests; Approved Standards- Twelfth Edition.	CLSI M02–A12.
	H. Materials	
8–388	Implants for surgery—Ceramic materials—Part 2: Composite materials based on a high-purity alumina matrix with zirconia reinforcement.	ISO 6474–2 First edition 2012–04–15.
8–389	Implants for surgery—Differential scanning calorimetry of poly ether ether ketone (PEEK) polymers and compounds for use in implantable medical devices.	ISO 15309 First edition 2013–12–01.
8–390	Standard Specification for Semi-Crystalline Poly(lactide) Polymer and Copolymer Resins for Surgical Implants.	ASTM F1925–09.
8–391	Standard Specification for Poly(glycolide) and Poly(glycolide-co-lactide) Resins for Surgical Implants with Mole Fractions Greater Than or Equal To 70% Glycolide.	ASTM F2313–10.
	I. Nanotechnology	
18–4	Technical Specification—Nanotechnologies—Vocabulary—Part 6: Nano-object characterization.	ISO/TS 80004–6 First edition 2013–11–01.
	J. Neurology	
17–14	Transcutaneous electrical nerve stimulators	ANSI/AAMI NS4:2013.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
	K. OB–GYN–GU/Gastroenterology	
9–103	Water treatment equipment for hemodialysis and related therapies	ANSI/AAMI 26722:2014.
	L. Ophthalmic	
10–99	Anionic and non-ionic surface active agents—Determination of critical micellization concentration—Method by measuring surface tension with a plate, stirrup, or ring,.	ISO 4311 First edition 1979–06–01.
	M. Orthopedic	
11–293	Standard Test Method for Impingement of Acetabular Prostheses	ASTM F2582–14.
11–294	Standard Specification for Articulating Total Wrist Implants	ASTM F1357–14.
11–295	Standard Practice for Evaluation of Modular Connection of Proximally Fixed Femoral Hip Prosthesis.	ASTM F2580–13.
	N. Physical Medicine	
16–194	Wheelchairs Part 25:Batteries and chargers for powered wheelchairs	ISO 7176–25 First edition 2013–07–15.
	O. Radiology	
12–292	IEEE Recommended Practice for Three-Dimensional (3D) Medical Modeling	IEEE Std 3333.2.1–2015.
	P. Software/Informatics	
13–73	Systematized Nomenclature of Medicine—Clinical Terms	IHTSDO SNOME–CT RF2 Release 2015.
13–74	Health informatics—Personal health device communication, Part 10424: Device Specialization—Sleep Apnoea Breathing Therapy Equipment (SABTE).	IEEE Std 11073–10424–2014.
13–75	Health informatics—Point-of-care medical device communication—Part 10102: Nomenclature—Annotated ECG.	ISO/IEEE 11073–10102 First edition 2014–03–01.
13–76	Health informatics—Standard communication protocol—Part 91064: Computer-assisted electrocardiography.	ISO 11073–91064 First edition 2009–05–01.
13–77	Information technology—Security techniques—Vulnerability disclosure	ISO/IEC 29147 First edition 2014–02–15.
13–78	Information technology—Security techniques—Vulnerability handling processes	ISO/IEC 30111 First edition 2013–11–01.
	Q. Sterility	
14–478	Flexible and semi-rigid endoscope processing in health care facilities	ANSI/AAMI ST91:2015.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the Agency's current list of FDA Recognized Consensus Standards in a searchable database that may be accessed directly at FDA's Internet site at *http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.* FDA will incorporate the modifications and revisions described in this notice into the database and, upon publication in the **Federal Register**, this recognition of consensus standards will be effective. FDA will announce additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary. Beginning with Recognition List 033, FDA no longer announces minor revisions to the list of recognized consensus standards such as technical contact person, devices affected, processes affected, Code of Federal Regulations citations, and product codes.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *standards@cdrh.fda.gov.* To be properly considered, such recommendations should contain, at a minimum, the following information: (1) Title of the standard, (2) any reference number and date, (3) name and address of the national or international standards development organization, (4) a proposed list of devices for which a declaration of conformity to this standard should routinely apply, and (5) a brief identification of the testing or performance or other characteristics of the device(s) that would be addressed by a declaration of conformity.

VI. Electronic Access

You may obtain a copy of ''Guidance on the Recognition and Use of Consensus Standards'' by using the Internet. The Center for Devices and Radiological Health (CDRH) maintains a site on the Internet for easy access to information including text, graphics, and files that you may download to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page, *http://www.fda.gov/MedicalDevices,* includes a link to standards-related documents including the guidance and the current list of recognized standards. After publication in the **Federal Register**, this notice announcing ''Modification to the List of

Recognized Standards, Recognition List Number: 040'' will be available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.* You may access ''Guidance on the Recognition and Use of Consensus Standards,'' and the searchable database for ''FDA Recognized Consensus Standards'' at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards.*

VII. Submission of Comments and Effective Date

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.* FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 040. These modifications to the list of recognized standards are effective upon publication of this notice in the **Federal Register**.

Dated: August 10, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–19991 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0386]

Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Human Papillomaviruses; Draft Guidance for Industry and Food and Drug Administration Staff: Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Human Papillomaviruses.'' This draft guidance provides recommendations to facilitate study designs to establish the performance characteristics of in vitro diagnostic devices (IVDs) intended for the detection, or detection and differentiation, of human papillomaviruses (HPVs). This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance November 12, 2015.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Human Papillomaviruses'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Natalia Comella, Center for Devices and Radiological Health, Food and Drug Administration, New Hampshire Ave., Bldg. 66, Rm. 4536, Silver Spring, MD 20993–0002, 301–796–6226, *Natalia.Comella@fda.hhs.gov,* or Marina V. Kondratovich, Center for Devices and Radiological Health, Food and Drug Administration, New Hampshire Ave., Bldg. 66, Rm. 4672, Silver Spring, MD 20993–0002, 301–796–6036, *Marina.Kondratovich@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This draft guidance provides recommendations to facilitate study designs to establish the performance characteristics of IVDs intended for the detection, or detection and differentiation, of HPVs. These devices are used either in conjunction with cervical cytology to aid in screening for cervical cancer or as first-line primary cervical cancer screening devices. These devices include those that detect a group of HPV genotypes, particularly high risk HPVs, as well as devices that detect more than one genotype of HPV and further differentiate among them to indicate which genotype of HPV is present or which genotypes of HPV are present.

When finalized, this draft guidance is expected to provide detailed information on the types of studies the FDA recommends to support a premarket application for these devices. This draft guidance specifically addresses devices that qualitatively detect HPV nucleic acid from cervical specimens, but many of the recommendations will also be applicable to devices that detect HPV proteins. The draft guidance is limited to studies intended to establish the performance characteristics of in vitro diagnostic HPV devices that are used in conjunction with cervical cytology for cancer screening or as first-line primary cervical cancer screening devices. This draft guidance does not address HPV testing from non-cervical specimens such as pharyngeal, vaginal, penile, or anal specimens, or testing for susceptibility to HPV infection. It does not address quantitative or semi-quantitative assays for HPV.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on evaluating the performance characteristics of IVDs intended for the detection, or detection and differentiation, of HPVs. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons

unable to download an electronic copy of ''Establishing the Performance Characteristics of In Vitro Diagnostic Devices for the Detection or Detection and Differentiation of Human Papillomaviruses'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1740 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; the collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485; and the collections of information in the guidance document entitled ''Informed Consent For In Vitro Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable'' have been approved under OMB control number 0910–0582.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: August 10, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–19983 Filed 8–13–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; 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: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: September 3, 2015, 9:00 a.m. to 4:30 p.m. EDT.

Place: Parklawn Building (and via audio conference call and Adobe Connect), 5600 Fishers Lane, Room 10–65, Rockville, MD 20857.

The ACCV will meet on Thursday, September 3, 2015, from 9:00 a.m. to 4:30 p.m. (EDT). The public can join the meeting by:

1. (In Person) Persons interested in attending the meeting in person are encouraged to submit a written notification to: Annie Herzog, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857 or email: *aherzog@hrsa.gov.* Since this meeting is going to be held in a federal government building, attendees will need to go through a security check to enter the building and participate in the meeting. Written notification is encouraged so a list of attendees can be provided to Annie Herzog to make entry through security quicker. Persons may attend in person without providing written notification, but their entry into the building may be delayed due to security checks and the requirement to be escorted to the meeting by a federal government employee. To request an escort to the meeting after entering the building, call Mario Lombre at 301–443–3196. The meeting will be held at the Parklawn Building, 5600 Fishers Lane, Room 10–65, Rockville, Maryland 20857.

2. (Audio Portion) The conference Phone Number is 877–917–4913. When calling, provide the following information:

Leaders Name: Dr. A. Melissa Houston.

Password: ACCV.

3. (Visual Portion) Connect to the ACCV Adobe Connect Pro meeting using the following URL: *https://hrsa.connectsolutions.com/accv/* (copy and paste the link into your browser if it does not work directly, and enter as a guest). Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview.* Call (301) 443–6634 or send an email to *aherzog@hrsa.gov* if you are having trouble connecting to the meeting site.

Agenda: The agenda items for the September 2015 meeting will include, but are not limited to: updates from ACCV Adult Immunization Workgroup, the Division of Injury Compensation Programs (DICP), Department of Justice (DOJ), National Vaccine Program Office (NVPO), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health), and Center for Biologics, Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV Web site (*http://www.hrsa.gov/vaccinecompensation/accv.htm*) prior to the meeting. Agenda items are subject to change as priorities dictate.

Public Comment: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Annie Herzog, DICP, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857 or email: *aherzog@hrsa.gov.* Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DICP will notify each presenter by email, mail, or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

For Further Information Contact: Anyone requiring information regarding the ACCV should contact Annie Herzog, DICP, HSB, HRSA, Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–6593, or email: *aherzog@hrsa.gov.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–20136 Filed 8–13–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information

Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than September 14, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Outreach Benefits Counseling Program Measures OMB No. 0915–XXXX—NEW.

Abstract: The Rural Outreach Benefits Counseling Program (Benefits Counseling Program) is authorized by Section 330A(e) of the Public Health Service (PHS) Act (42 U.S.C. 254c(e)), Public Law 113–76 as amended to ''promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas.'' The purpose of the 3-year Benefits Counseling Program is to expand outreach, education and enrollment efforts to eligible uninsured individuals and families, and newly insured individuals and families in rural communities.

The overarching goal of this grant program is to coordinate and conduct innovative outreach activities through a strong consortium in order to: (1) Identify and enroll uninsured individuals and families who are eligible for public health insurance such as Medicare, Medicaid, and Children's Health Insurance Program; qualified health plans offered through Health Insurance Marketplaces; and/or private health insurance plans in rural communities; and, (2) educate the newly insured individuals in rural communities about their health insurance benefits, help connect them to primary care and preventive services to which they now have access, and help them retain their health insurance coverage.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including: (a) Access to care; (b) population demographics; (c) staffing; (d) consortium/network; (e) sustainability; and (f) benefits counseling process and outcomes. Several measures will be used for the Benefits Counseling Program. All measures will speak to FORHP's progress toward meeting the goals set.

A 60-day **Federal Register** Notice was published in the **Federal Register** on June 1, 2015 (80 FR 31051). There were no comments.

Likely Respondents: The respondents would be recipients of the Rural Outreach Benefits Counseling grant funding.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Outreach Benefits Counseling Grant Program Measures	10	1	10	2	20
Total	10	1	10	2	20

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–20134 Filed 8–13–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Advisory Committee on Children and Disasters

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) will be holding a meeting via teleconference. The meeting is open to the public.

DATES: The August 27, 2015, NACCD meeting is scheduled from 3:00 p.m. to 4:00 p.m. EST. The agenda is subject to change as priorities dictate. Please check the NACCD Web site, located at *WWW.PHE.GOV/NACCD* for the most up-to-date information on the meeting.

ADDRESSES: To attend the meeting via teleconference, call toll-free: 1–888–989–6485, international dial-in: 1–312–470–0178. The pass-code is: 5885575. Please call 15 minutes prior to the beginning of the conference call to facilitate attendance. Pre-registration is required for public attendance. Individuals who wish to attend the meeting should submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

FOR FURTHER INFORMATION CONTACT: Please submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as

amended), and section 2811A of the Public Health Service (PHS) Act (42 U.S.C. 300hh–10a), as added by section 103 of the Pandemic and All Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the National Advisory Committee on Children and Disasters (NACCD). The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters. The Office of the Assistant Secretary for Preparedness and Response (ASPR) provides management and administrative oversight to support the activities of the NACCD.

Background: This public meeting will be an informational session led by the NACCD Board Chair, Dr. Michael Anderson. This **Federal Register** Notice (FRN) is a modification of the previous FRN published on July 29, 2015, at 80 FR 45224.

Availability of Materials: The meeting agenda and materials will be posted on the NACCD Web site at: *www.phe.gov/naccd* prior to the meeting.

Procedures for Providing Public Input: All written comments must be received prior to August 27, 2015. Please submit comments via the NACCD Contact Form located at *www.phe.gov/NACCDComments.* Individuals who plan to attend and need special assistance should submit a request via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

Dated: August 10, 2015.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2015–20056 Filed 8–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Identification of Genetic and Genomic Variants by NextGen Sequencing in Nonhuman Animal Models (U01) PAR15120.

Date: September 29, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jagadeesh S. Rao, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 02892, 301–443–9511, *jrao@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Research Education Program for Clinical Researchers and Clinicians (R25).

Date: October 20, 2015.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–402–6020, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20105 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review; Group Population Sciences Subcommittee.

Date: November 12–13, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Ave, NW., Washington, DC 20015.

Contact Person: Carla T. Walls, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6898, *wallsc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20104 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.

Date: October 20, 2015.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6902, *Peter.Zelazowski@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20101 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: October 23, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6916, *kielbj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20103 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; R13 Conference Grant Application Review

Date: September 9, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–435–0725, *johnsonwj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 10, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19977 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Conflict SEP.

Date: August 31, 2015.

Time: 1 p.m. to 2 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: Sheri A. Hild, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–8382, *hildsa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 10, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19975 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD NRSA Institutional Research Training Grant (T32) Review.

Date: September 9, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Center Review.

Date: September 24, 2015.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; P50 Aphasia Review.

Date: September 28, 2015.

Time: 11:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: August 11, 2015.

Melanie J. Gray,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20097 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Nursing Research. The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: September 15–16, 2015.

Open: September 15, 2015, 1:00 p.m. to 5:10 p.m.

Agenda: NINR presentation of program research.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Open: September 16, 2015, 9:00 a.m. to 9:40 a.m.

Agenda: NIH Strategic Plan.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: September 16, 2015, 9:40 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Ann R. Knebel, DNSC, RN, FAAN, Deputy Director, National Institute of Nursing Research, National Institutes of Health, 31 Center Drive, Building 31, Room 5B05, Bethesda, MD 20892, 301–496–8230, *knebelar@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nih.gov/ninr/a_advisory.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: August 10, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19974 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of 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 a meeting of the Board of Scientific Counselors, National Advisory Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the

competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: September 20–22, 2015.

Time: 7:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: August 11, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20063 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; 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 Eye Institute Special Emphasis Panel; NEI Conference Grant Applications.

Date: August 31, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Suite 1300, 5635 Fishers Lane, Rockville, MD 20814, (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892, 301–451–2020, *kenshalod@nei.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. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 11, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20098 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB R25 Review (2016/01).

Date: October 29, 2015.

Time: 10:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov.*

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; T32–T35 Training Review Meeting (2016/01).

Date: November 4, 2015.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Hayes, Ph.D., Scientific Review Officer, 6707 Democracy Blvd., Suite 959, Democracy Two, Bethesda, MD 20892, (301) 451–3398, *hayesj@mail.nih.gov.*

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; MSM Program Review (2016/01).

Date: November 17, 2015.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institute of Health, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, (301) 451–3397, *sukharem@mail.nih.gov*.

Dated: August 11, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20100 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 on Aging Initial Review Group; Biological Aging Review Committee.

Date: October 1–2, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch National Institute on Aging Gateway Bldg., 2C212, 7201 Wisconsin Avenue Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 11, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20099 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: October 26, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Priscah Mujuru, DRPH, MPH, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6908, *mujurup@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20102 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Systematic Review of Immunotoxicity Associated With Exposure to PFOA or PFOS; Request for Information and Nominations of Scientific Experts for Proposed Peer Review Meeting

SUMMARY: The Office of Health Assessment and Translation (OHAT), Division of the National Toxicology Program (DNTP), National Institute of Environmental Health Sciences is evaluating the scientific evidence regarding the association between exposures to perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS) and immunotoxicity. OHAT invites the submission of information about ongoing studies or upcoming publications on the immune-related health effects of PFOA or PFOS that might be considered for inclusion in the evaluation. OHAT also invites the nomination of scientific experts to potentially serve as members of an ad hoc expert panel to be convened to peer review the draft NTP monograph resulting from the systematic review of the evidence for an association between exposure to PFOA or PFOS and immunotoxicity.

DATES: The deadline for receipt of information and nominations of scientific experts is September 30, 2015.

ADDRESSES: Information can be submitted to *xiey4@niehs.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Yun Xie, NTP Designated Federal Official, Office of Liaison, Policy and Review, DNTP, NIEHS, P.O. Box 12233, MD K2–03, Research Triangle Park, NC 27709. Phone: (919) 541–3436, Fax: (301) 451–5455, Email: *yun.xie@nih.gov.* Hand Delivery/Courier: 530 Davis Drive, Room 2161, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Background on PFOA and PFOS: PFOA and PFOS are persistent chemicals that are widely distributed in the environment in part because of high stability and little to no expected degradation in the environment. In terms of toxicity and exposure, PFOA and PFOS are the best studied perfluoroalkyl acids, a group of compounds used extensively over the last 50 years in commercial and industrial applications including food packaging, lubricants, water-resistant coatings, and fire-retarding foams. Through voluntary agreements, the primary manufacturer of PFOS phased out production in 2002, and PFOS is no longer manufactured in the United States. Similar arrangements have been made for PFOA, and eight companies that manufacture PFOA have committed to eliminate emissions and product content by 2015. Although emissions have been dramatically reduced, the persistence and bioaccumulation of both PFOA and PFOS result in detectable levels in the U.S. population and, therefore, these chemicals are of potential human health relevance. Several recent publications from 2012–2014 have linked PFOA and PFOS exposure to functional immune changes in humans, which are consistent with evidence of PFOA- and PFOS-related immunotoxicity in animal studies.

NTP is conducting a systematic review of the evidence for an association between exposure to PFOA or PFOS and immunotoxicity or immune-related health effects. The NTP evaluation concept for immunotoxicity associated with exposure to PFOA or PFOS was initially presented and discussed at the NTP Board of Scientific Counselors (BSC) meeting on December 10, 2014 (79 FR 62640). The NTP evaluation concept, related presentation, and BSC meeting minutes are available at *http://ntp.niehs.nih.gov/go/9741.* The protocol for conducting this systematic review is available at *http://ntp.niehs.nih.gov/go/749926.*

Request for Information: OHAT invites the public and other interested parties to submit information on PFOA and PFOS including immune-related effects from completed and ongoing epidemiology studies, non-human animal studies, and mechanistic or in vitro studies. This information will be considered in evaluating the potential immune-related health effects of exposure to PFOA and PFOS. Information should be submitted to Dr. Yun Xie (see **ADDRESSES**).

Request for Nomination of Scientific Experts: OHAT invites nominations of qualified scientists to serve as members of an ad hoc expert panel to peer review the draft NTP monograph resulting from the systematic review of the evidence for an association between exposure to PFOA or PFOS and immunotoxicity. Scientists serving on the peer review panel will represent a wide range of expertise including, but not limited to, epidemiology, immunotoxicology, general toxicology, exposure assessment, and biostatistics. Each nomination should include (1) contact information for the nominee (name, affiliation, telephone number, and email), (2) curriculum vitae, and (3) a short description of the individual's expertise such as formal academic training and experience in a relevant scientific field, publications in peer-

reviewed journals, and membership in relevant professional societies. Nominations should be forwarded to Dr. Yun Xie (see **ADDRESSES**). Final selection of individuals to serve on the peer review panel will be made in accordance with the Federal Advisory Committee Act and Department of Health and Human Services implementing regulations. All panel members serve as individual experts and not as representatives of their employers or other organizations.

Background Information on OHAT: OHAT was established to serve as an environmental health resource to the public and regulatory and health agencies (*http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3094430*). This office conducts evaluations to assess the evidence that environmental chemicals, physical substances, or mixtures (collectively referred to as ''substances'') cause adverse health effects and provides opinions on whether these substances may be of concern given what is known about current human exposure levels. OHAT also organizes workshops or state-of-the-science evaluations to address issues of importance in environmental health sciences. Information about OHAT is found at *http://ntp.niehs.nih.gov/go/ohat.*

Dated: August 11, 2015.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2015–20122 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: September 2, 2015.

Open: 1:30 p.m. to 5:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 35A, Porter Building, Room 640, 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Stephen C. Mockrin, Ph.D., Director, Division of Extramural Research Activities National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892 (301) 435–0260 *mockrins@nhlbi.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to internal discussions regarding agenda and scheduling details.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20119 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health And Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special, Emphasis Panel; Comparative and Developmental Perspectives on the Emergence of Cognitive Competence.

Date: August 31, 2015.

Time: 9:30 a.m. to 12:30 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: Marita R. Hopmann, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6911, *hopmannm@mail.nih.gov*.

(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 10, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–19976 Filed 8–13–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0673]

Commercial Fishing Safety Advisory Committee

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Commercial Fishing Safety Advisory Committee will meet in Seattle, Washington to discuss various issues relating to safety in the commercial fishing industry. This meeting will be open to the public.

DATES: The Committee will meet on Tuesday, September 15 and Wednesday, September 16, 2015, from 8 a.m. to 5:30 p.m. The meeting may close early if all business is finished.

ADDRESSES: The Committee will meet at the United States District Court House

located at 700 Stewart Street, Seattle, Washington, Room 19205. *http://www.wawd.uscourts.gov/visitors/seattle-courthouse*.

If you are planning to attend the meeting, you will be required to pass through a security checkpoint. You will be required to show valid government identification. Please arrive at least 30 minutes before the planned start of the meeting in order to pass through security.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section, as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Committee as listed in the ''Agenda'' section below. Written comments must be submitted no later than September 4, 2015 if you want Committee members to be able to review your comments before the meeting. Comments must be identified by docket number USCG–2015–0673, and submitted by one of the following methods:

- *Federal Electronic Rulemaking Portal: http://www.regulations.gov* (preferred method to avoid delays in processing).
- *Mail:* Docket Management Facility (M–30), United States Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, District of Columbia 20590–0001.
- *Facsimile:* (202) 493–2251
- *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and docket number for this action. Comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''SEARCH'' box, press Enter and then click on the item you wish to view.

Public oral comment periods will be held during the meeting after each presentation and at the end of each day. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time following the last call for comments. Contact Jack Kemerer as indicated below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Jack Kemerer, Alternate Designated Federal Officer of Commercial Fishing Safety Advisory Committee, Commandant (CG–CVC–3), United States Coast Guard Headquarters, 2703 Martin Luther King Junior Avenue SE., Mail Stop 7501, Washington, DC 20593–7501; telephone 202–372–1249, facsimile 202–372–8376, electronic mail: *jack.a.kemerer@uscg.mil*. If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–493–0402 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code, Appendix.

The Commercial Fishing Safety Advisory Committee is authorized by Title 46 United States Code Section 4508. The Committee's purpose is to provide advice and recommendations to the United States Coast Guard and the Department of Homeland Security on matters relating to the safety of commercial fishing industry vessels.

A copy of available meeting documentation should be posted to the docket, as noted above, and at *http://fishsafe.info/* by August 31, 2015. Post-meeting documentation will be posted to the Web site within 30 days after the meeting, or as soon as possible. Alternatively, you may contact Jack Kemerer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The Commercial Fishing Safety Advisory Committee will meet to review, discuss and formulate recommendations on topics contained in the agenda:

Day 1

The meeting will include administrative matters, reports, presentations, discussions, and Subcommittee/working group sessions as follows:

(1) Swearing-in of new members, election of Chair and Vice-Chair, and completion of Department of Homeland Security Form 420 by Special Government Employee members.

(2) Status of Commercial Fishing Vessel Safety Rulemaking projects resulting from requirements set forth in the Coast Guard Authorization Act of 2010 and the Coast Guard and Maritime Transportation Act of 2012.

(3) Coast Guard District Commercial Fishing Vessel Safety Coordinator reports on activities and initiatives.

(4) Industry Representative updates on safety and survival equipment, and classification of fishing vessels.

(5) Presentation and discussion on casualties by regions and fisheries and update on safety and risk reduction-related projects by the National Institute for Occupational Safety and Health.

(6) Presentation and discussion on tonnage and documentation issues.

(7) Subcommittee/working group sessions, as time allows, on (a) standards for alternative safety compliance program(s) development, (b) definitions and safety equipment requirements that should be considered in future rulemaking projects, and (c) requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.

(8) Public comment period.

(9) Adjournment of meeting.

There will be a comment period for Commercial Fishing Safety Advisory Committee members and a comment period for the public after each presentation and discussion. The Committee will review the information presented on any issues, deliberate on any recommendations presented in Subcommittee reports, and formulate recommendations for the Department's consideration.

Day 2

The meeting will primarily be dedicated to continuing Subcommittee/working group sessions, but will also include:

(1) Reports and recommendations from Subcommittees/working groups to the full committee for discussion, deliberation, and adoption for presentation to the Coast Guard as determined by committee voting. The public will have opportunity to comment on reports and discussions prior to the committee taking action on such reports or recommendations.

(2) Other safety recommendations and safety program strategies from the Committee.

(3) Public comment period.

(4) Future plans and goals for the Committee.

(5) Adjournment of meeting.

Dated: August 5, 2015.

V.B. Gifford,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2015–20010 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4233–DR; Docket ID FEMA–2015–0002]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–4233–DR), dated July 30, 2015, and related determinations.

DATES: *Effective Date:* July 30, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 30, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 17–24, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gary R. Stanley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Dakota have been designated as adversely affected by this major disaster:

Brule, Buffalo, Fall River, Haakon, Hughes, Jackson, Jerauld, Jones, Lyman, McCook, Oglala Lakota, and Stanley Counties and the Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, and the Oglala Sioux Tribe within Oglala Lakota County for Public Assistance.

All areas within the State of South Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–20166 Filed 8–13–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of September 2, 2015 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60. Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov*. The flood hazard

determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: July 23, 2015.

Roy E. Wright,

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

I. Watershed-based Studies:

LOWER KANSAS WATERSHED

Community	Community map repository address
Douglas County, Kansas, and Incorporated Areas Docket No.: FEMA–B–1426	
City of Lawrence	City Hall, 6 East 6th Street, Lawrence, KS 66044.
Unincorporated Areas of Douglas County	Zoning and Codes Department, 2108 West 27th Street, Suite I, Lawrence, KS 66047.
Wyandotte County, Kansas, and Incorporated Areas Docket No.: FEMA–B–1426	
City of Bonner Springs	City Hall, 205 East 2nd Street, Bonner Springs, KS 66012.
City of Edwardsville	City Hall, 690 South 4th Street, Edwardsville, KS 66111.
City of Kansas City	City Hall, 701 North 7th Street, Kansas City, KS 66101.
Unincorporated Areas of Wyandotte County	City Hall, 701 North 7th Street, Kansas City, KS 66101.

II. Non-Watershed Based Studies:

Community	Community map repository address
Mecklenburg County, North Carolina, and Incorporated Areas Docket No.: FEMA–B–1418	
City of Charlotte	Mecklenburg County Storm Water Services Office, 700 North Tryon Street, Charlotte, NC 28202.
Town of Cornelius	Town Hall, 21445 Catawba Avenue, Cornelius, NC 28031.
Town of Huntersville	Planning Department, 105 Gilead Road, 3rd Floor, Huntersville, NC 28078.
Town of Pineville	Town Hall, 200 Dover Street, Pineville, NC 28134.
Unincorporated Areas of Mecklenburg County	Mecklenburg County Storm Water Services Office, 700 North Tryon Street, Charlotte, NC 28202.
McKenzie County, North Dakota, and Incorporated Areas Docket No.: FEMA–B–1353	
City of Alexander	112 Manning Avenue West, Alexander, ND 58831.
City of Watford	213 2nd Street NE, Watford City, ND 58854.
McKenzie County	201 NW 5th Street, Watford City, ND 58854.
Delaware County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1419	
Borough of Eddystone	Eddystone Borough Engineering Office, 520 West MacDade Boulevard, Milmont Park, PA 19033.
Borough of Folcroft	Borough Hall, 1555 Elmwood Avenue, Folcroft, PA 19032.
Borough of Marcus Hook	Municipal Building, 1015 Green Street, Marcus Hook, PA 19061.
Borough of Norwood	Borough Hall, 10 West Cleveland Avenue, Norwood, PA 19074.
Borough of Prospect Park	Borough Building, 720 Maryland Avenue, Prospect Park, PA 19076.
Borough of Trainer	Borough Hall, 824 Main Street, Trainer, PA 19061.
City of Chester	Planning Department, 1 Fourth Street, Chester, PA 19013.
Township of Ridley	Ridley Township Office, 100 East MacDade Boulevard, Folsom, PA 19033.
Township of Tinicum	Tinicum Township Hall, 629 North Governor Printz Boulevard, Essington, PA 19029.
King William County, Virginia, and Incorporated Areas Docket No.: FEMA–B–1401	
Town of West Point	Town Hall, 329 Sixth Street, West Point, VA 23181.

Community	Community map repository address
Unincorporated Areas of King William County	King William County Administrator's Office, 180 Horse Landing Road, King William, VA 23086.

[FR Doc. 2015–20163 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4234–DR; Docket ID FEMA–2015–0002]

Iowa; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4234–DR), dated July 31, 2015, and related determinations.

DATES: *Effective Date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 31, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Iowa resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 20–25, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Iowa.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David G. Samaniego, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Iowa have been designated as adversely affected by this major disaster:

Allamakee, Appanoose, Butler, Clayton, Dallas, Davis, Des Moines, Guthrie, Howard, Jefferson, Lee, Lucas, Marion, Mitchell, Monroe, Warren, Wayne, Winneshiek, and Wright Counties for Public Assistance.

All areas within the State of Iowa are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–20164 Filed 8–13–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4232–DR; Docket ID FEMA–2015–0002]

Vermont; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–4232–DR), dated July 29, 2015, and related determinations.

DATES: Effective Date: July 29, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 29, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Vermont resulting from a severe storm and flooding on June 9, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance

Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Vermont have been designated as adversely affected by this major disaster:

Addison and Chittenden Counties for Public Assistance.

All areas within the State of Vermont are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–20165 Filed 8–13–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4233–DR; Docket ID FEMA–2015–0002]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–4233–DR), dated July 30, 2015, and related determinations.

DATES: *Effective Date:* July 30, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 30, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 17–24, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gary R. Stanley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Dakota have been designated as adversely affected by this major disaster:

Brule, Buffalo, Fall River, Haakon, Hughes, Jackson, Jerauld, Jones, Lyman, McCook, Oglala Lakota, and Stanley Counties and the Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, and the Oglala Sioux Tribe within Oglala Lakota County for Public Assistance.

All areas within the State of South Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–20167 Filed 8–13–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2015–0048]

Data Privacy and Integrity Advisory Committee Meeting

AGENCY: Privacy Office, DHS.

ACTION: Committee management; notice of federal advisory committee meeting.

SUMMARY: The DHS Data Privacy and Integrity Advisory Committee will meet on September 10, 2015, in Washington, DC. The meeting will be open to the public.

DATES: The DHS Data Privacy and Integrity Advisory Committee will meet on Thursday, September 10, 2015, from 1 p.m. to 3:35 p.m. Please note that the meeting may end early if the Committee has completed its business.

ADDRESSES: The meeting will be held both in person in Washington, DC at 650 Massachusetts Avenue NW., 4th Floor, and via online forum (URL will be posted on the Privacy Office Web site in advance of the meeting at *http://www.dhs.gov/dhs-data-privacy-and-integrity-advisory-committee-meeting-information*). For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, as soon as possible.

To facilitate public participation, we invite public comment on the issues to be considered by the Committee as listed in the **SUPPLEMENTARY INFORMATION** section below. A public comment period will be held during the

meeting from 3:30 p.m.–3:35 p.m., and speakers are requested to limit their comments to three minutes. If you would like to address the Committee at the meeting, we request that you register in advance by contacting Sandra Taylor at the address provided below or sign up at the registration desk on the day of the meeting. The names and affiliations, if any, of individuals who address the Committee are included in the public record of the meeting. Please note that the public comment period may end before the time indicated, following the last call for comments. Written comments should be sent to Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, by September 2, 2015. Persons who wish to submit comments and who are not able to attend or speak at the meeting may submit comments at any time. All submissions must include the Docket Number (DHS–2015–0048) and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: PrivacyCommittee@hq.dhs.gov.* Include the Docket Number (DHS–2015–0048) in the subject line of the message.
- *Fax:* (202) 343–4010.
- *Mail:* Sandra Taylor, Designated Federal Officer, Data Privacy and Integrity Advisory Committee, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0655, Washington, DC 20528.

Instructions: All submissions must include the words ''Department of Homeland Security Data Privacy and Integrity Advisory Committee'' and the Docket Number (DHS–2015–0048). Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

If you wish to attend the meeting, please bring a government issued photo I.D. and plan to arrive at 650 Massachusetts Avenue NW., 4th Floor, Washington, DC no later than 12:50 p.m. The DHS Privacy Office encourages you to register for the meeting in advance by contacting Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, at *PrivacyCommittee@hq.dhs.gov.* Advance registration is voluntary. The Privacy Act Statement below explains how DHS uses the registration information you may provide and how you may access or correct information retained by DHS, if any.

Docket: For access to the docket to read background documents or comments received by the DHS Data Privacy and Integrity Advisory Committee, go to *http://www.regulations.gov* and search for docket number DHS–2015–0048.

FOR FURTHER INFORMATION CONTACT: Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0655, Washington, DC 20528, by telephone (202) 343–1717, by fax (202) 343–4010, or by email to *PrivacyCommittee@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. The DHS Data Privacy and Integrity Advisory Committee provides advice at the request of the Secretary of Homeland Security and the DHS Chief Privacy Officer on programmatic, policy, operational, administrative, and technological issues within DHS that relate to personally identifiable information, as well as data integrity and other privacy-related matters. The Committee was established by the Secretary of Homeland Security under the authority of 6 U.S.C. 451.

Proposed Agenda

During the meeting, the Chief Privacy Officer will provide welcome remarks and introduce new Privacy Officers from the National Programs and Protection Directorate and the U.S. Customs and Border Protection. She will also provide updates on key developments since the last public meeting. The Committee will receive briefings on privacy incidents and mobile applications, as well as an update on the Behavioral Analytics in Cybersecurity Capabilities tasking.

The final agenda will be posted on or before September 10, 2015, on the Committee's Web site at *www.dhs.gov/privacy-advisory-committees.* Please note that the meeting may end early if all business is completed.

Privacy Act Statement: DHS's Use of Your Information

Authority: DHS requests that you voluntarily submit this information under its following authorities: The *Federal Records Act,* 44 U.S.C. 3101; the FACA, 5 U.S.C. Appendix; and the *Privacy Act of 1974,* 5 U.S.C. 552a.

Principal Purposes: When you register to attend a DHS Data Privacy and Integrity Advisory Committee meeting, DHS collects your name, contact information, and the organization you represent, if any. We use this information to contact you for purposes related to the meeting, such as to confirm your registration, to advise you of any changes in the meeting, or to assure that we have sufficient materials to distribute to all attendees. We may also use the information you provide for public record purposes such as posting publicly available transcripts and meeting minutes.

Routine Uses and Sharing: In general, DHS will not use the information you provide for any purpose other than the Principal Purposes, and will not share this information within or outside the agency. In certain circumstances, DHS may share this information on a case-by-case basis as required by law or as necessary for a specific purpose, as described in the DHS/ALL–002 Mailing and Other Lists System of Records Notice (November 25, 2008, 73 FR 71659).

Effects of Not Providing Information: You may choose not to provide the requested information or to provide only some of the information DHS requests. If you choose not to provide some or all of the requested information, DHS may not be able to contact you for purposes related to the meeting.

Accessing and Correcting Information: If you are unable to access or correct this information by using the method that you originally used to submit it, you may direct your request in writing to the DHS Deputy Chief FOIA Officer at *foia@hq.dhs.gov.* Additional instructions are available at *http://www.dhs.gov/foia* and in the DHS/ALL-002 Mailing and Other Lists System of Records referenced above.

Dated: August 6, 2015.

Karen Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2015–20036 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0044]

Homeland Security Advisory Council—New Tasking

AGENCY: The Office of Intergovernmental Affairs, DHS.

ACTION: Notice of task assignment for the Homeland Security Advisory Council.

SUMMARY: The Secretary of the Department of Homeland Security (DHS), Jeh Johnson, tasked his Homeland Security Advisory Council to establish a subcommittee entitled Cybersecurity Subcommittee on August 6, 2015. The Cybersecurity Subcommittee will provide findings and recommendations to the Homeland

Security Advisory Council on best practices sourced from industry, state and local government, academic experts, and community leaders. This notice informs the public of the establishment of the Cybersecurity Subcommittee and is not a notice for solicitation.

FOR FURTHER INFORMATION CONTACT: Sarah E. Morgenthau, Executive Director of the Homeland Security Advisory Council, Office of Intergovernmental Affairs, U.S. Department of Homeland Security at (202) 447–3135 or *hsac@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Homeland Security Advisory Council provides organizationally independent, strategic, timely, specific, and actionable advice and recommendations for the consideration of the Secretary of the Department of Homeland Security on matters related to homeland security. The Council is comprised of leaders of local law enforcement, first responders, state and local government, the private sector, and academia.

Tasking: The Cybersecurity Subcommittee will develop actionable findings and recommendations for the Department of Homeland Security. The subcommittee will address the following: (1) Identify the readiness of the Department's lifeline sectors to meet the emerging cyber threat and provide recommendations for building cross-sector capabilities to rapidly restore critical functions and services following a significant cyber event; and (2) How can the Department provide a more unified approach to support State, Local, Tribal and Territorial cybersecurity?

Schedule: The Cybersecurity Subcommittee findings and recommendations will be submitted to the Homeland Security Advisory Council for their deliberation and vote during a public meeting. Once the report is voted on by the Homeland Security Advisory Council, it will be sent to the Secretary for his review and acceptance.

Dated: August 7, 2015.

Sarah E. Morgenthau,

Executive Director.

[FR Doc. 2015–20034 Filed 8–13–15; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Nos. FR–5800–FA–02, FR–5800–FA–25 and FR–5800–FA–33]

Announcement of Funding Awards for Fiscal Years 2014–2015 Comprehensive Housing Counseling Grant Program, Fiscal Year 2015 Supplemental Comprehensive Housing Counseling Grant Program and Fiscal Years 2014–2015 Housing Counseling Training Grant

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

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), this announcement notifies the public of Fiscal Year (FY) 2015 funding decisions made by the Department in competitions for funding under three Notices of Funding Availability (NOFA): The FY 2014–2015 Comprehensive Housing Counseling NOFA, the FY 2015 Supplemental Comprehensive Housing Counseling NOFA, and the FY 2014–2015 Housing Counseling Training NOFA. Appendices A, B, and C to this notice list this year's award recipients under each Housing Counseling Program NOFA.

FOR FURTHER INFORMATION CONTACT: Brian Siebenlist, Director, Office of Policy and Grant Administration, Office of Housing Counseling, Department of Housing and Urban Development, 451 7th Street SW., Room 9224, Washington, DC 20410, telephone (202) 402–5415. Hearing- or speech-impaired individuals may access this number by calling the Federal Relay Service at (800) 877–8339. (This is a toll-free number.)

SUPPLEMENTARY INFORMATION: The Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). Consistent with this authority, HUD enters into agreement with qualified public or private nonprofit organizations to provide housing counseling services to low- and moderate-income individuals and families nationwide. The housing counseling services supported by the Housing Counseling Program include providing information and assistance to the homeless, renters, homebuyers, homeowners, and senior citizens in areas such as pre-purchase counseling, financial management, property maintenance and other forms of housing assistance to help individuals and families improve their housing conditions and meet the responsibilities of tenancy and homeownership.

HUD funding of housing counseling agencies is not guaranteed, and when funds are awarded, a HUD grant does not cover all expenses incurred by an agency to deliver housing counseling services. Counseling agencies must actively seek additional funds from other sources such as city, county, state and federal agencies and from private entities to ensure that they have sufficient operating funds. The availability of housing counseling grants depends upon appropriations and the outcome of the award competition.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), this **Federal Register** publication lists in Appendices A, B, and C the names, addresses, and amounts of each award made under the FY 2014–2015 Comprehensive Housing Counseling NOFA, the FY 2015 Supplemental Comprehensive Housing Counseling NOFA, and the FY 2014–2015 Housing Counseling Training NOFA, respectively. The requirements for the NOFAs are found in the following documents:

1. General Section to the Department's Fiscal Year 2014 NOFAs for Discretionary Programs, available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2014-gensec.pdf.*

2. Notice of Funding Availability for the Department's Fiscal Years 2014 and 2015 Comprehensive Housing Counseling Grant Program, available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2014chcnofa.pdf.*

3. Notice of Funding Availability (NOFA) for the Department's Fiscal Year 2015 Supplemental Comprehensive Housing Counseling Grant Program, available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2015schcnofa.pdf.*

4. HUD's FY 2014–2015 Housing Counseling Training Grant Notice of Funding Availability, available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2014hctnofa.pdf.*

Applications were scored and selected for funding on the basis of selection criteria contained in the NOFAs. HUD awarded more than $40 million in comprehensive grants to support the housing counseling services of 33 national and regional organizations, six multi-state organizations, 20 State Housing Finance Agencies and 248 local housing counseling agencies. HUD awarded $2 million to three national organizations to provide accessible and affordable training of housing counselors.

The Catalog of Federal Domestic Assistance number for the Housing Counseling Program is 14.169.

Dated: August 6, 2015.

Edward L. Golding,

Principal Deputy Assistant Secretary for Housing.

Appendix A—List of FY 2015 Awardees for the FY 2014–2015 Comprehensive Housing Counseling NOFA

Intermediary Organizations (29)

CATHOLIC CHARITIES USA
2050 Ballenger Avenue
Suite 400
ALEXANDRIA, VA 22314–6847
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,006,840.00

CCCS OF GREATER ATLANTA—DBA CLEARPOINT CREDIT COUNSELING SOLUTIONS
270 Peachtree St, Suite 1800
ATLANTA, GA 30303–1217
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,281,901.00

CITIZENS' HOUSING AND PLANNING ASSOCIATION, INC.
18 Tremont Street,
Suite 401
BOSTON, MA 02108–2301
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $604,616.00

GARDEN STATE CONSUMER CREDIT COUNSELING, INC. D/B/A/NAVICORE SOLUTIONS
200 U.S. Highway 9 North
MANALAPAN, NJ 07726–3072
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $351,950.00

GREENPATH, INC.
36500 Corporate Drive
FARMINGTON HILLS, MI 48331–3553
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,605,295.00

HOMEFREE—USA
6200 Baltimore Avenue
RIVERDALE, MD 20737–1054
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,300,186.00

HOMEOWNERSHIP PRESERVATION FOUNDATION
7645 Lyndale Ave. South
Suite 250
MINNEAPOLIS, MN 55423–4084
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $3,000,000.00

HOUSING & COMMUNITY DEVELOPMENT NETWORK OF NEW JERSEY
145 West Hanover Street
TRENTON, NJ 08618–4823
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $149,290.00

HOUSING PARTNERSHIP NETWORK
1 Washington Mall, 12th Fl
BOSTON, MA 02108–2603
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $793,066.00

MINNESOTA HOMEOWNERSHIP CENTER
1000 Payne Avenue
Suite 200
SAINT PAUL, MN 55130–3986
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $575,760.00

MISSISSIPPI HOMEBUYER EDUCATION CENTER- INITIATIVE
350 West Woodrow Wilson
Suite 3480
JACKSON, MS 39213–7681
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $233,546.00

MON VALLEY INITIATIVE
303–305 E. 8th Avenue
HOMESTEAD, PA 15120–1517
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $656,822.00

MONEY MANAGEMENT INTERNATIONAL INC.
14141 Southwest Fwy
Sugar Land, TX 77478–3493
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $2,029,378.00

NACA (NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA)
225 Centre Street, Suite 100
ROXBURY, MA 02119–1298
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,098,394.00

NATIONAL ASSOCIATION OF REAL ESTATE BROKERS–INVESTMENT DIVISION, INC
7677 OakPort Street, Suite 1030, 10th Fl
OAKLAND, CA 94621–1929
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $734,592.00

NATIONAL CAPACD
1628 16th Street, NW
4th Floor
WASHINGTON, DC 20009–3064
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $470,901.00

NATIONAL COMMUNITY REINVESTMENT COALITION, INC.
727 15th Street, NW Suite 900
WASHINGTON, DC 20005–6027
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,702,999.00

NATIONAL COUNCIL OF LA RAZA
1126 16th Street, NW, Suite 600
Raul Yzaguirre Building
WASHINGTON, DC 20036–4845
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,203,399.00

NATIONAL COUNCIL ON AGING (NCOA)
251 18th St S
Suite 500
Arlington, VA 22202–3531
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $443,302.00

NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS
39 Broadway, 21st Floor
NEW YORK, NY 10006–3003
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $420,833.00

NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.
2000 M St. NW
Suite 505
WASHINGTON, DC 20036–3307
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,514,073.00

NATIONAL URBAN LEAGUE
120 Wall Street
NEW YORK, NY 10005–3904
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $917,058.00

NEIGHBORHOOD REINVESTMENT CORP. DBA NEIGHBORWORKS AMERICA
999 North Capitol Street, NE
Suite 900
WASHINGTON, DC 20002–4684
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $2,936,648.00

NEW YORK MORTGAGE COALITION
50 Broad Street
Suite 1125
NEW YORK, NY 10004–2307
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $337,208.00

NUEVA ESPERANZA, INC.
4261 N 5th St
Philadelphia, PA 19140–2615
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $456,667.00

RURAL COMMUNITY ASSISTANCE CORPORATION
3120 Freeboard Drive
Suite 201
WEST SACRAMENTO, CA 95691–5039
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $530,424.00

SPRINGBOARD NON-PROFIT CONSUMER CREDIT MANAGEMENT, INC
4351 Latham St
RIVERSIDE, CA 92501–1749
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $363,505.00

UNITED WAY OF CENTRAL ALABAMA, INC.
3600 8th Avenue
BIRMINGHAM, AL 35222–3250
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $142,574.00

WEST TENNESSEE LEGAL SERVICES, INCORPORATED
210 West Main Street
JACKSON, TN 38301–6114
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $640,462.00

Multi-State Organizations (6)

CCCS OF GREATER DALLAS, INC.

8737 King George Drive
SUITE 200
DALLAS, TX 75235–2222
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $264,294.00

CONSUMER CREDIT AND BUDGET COUNSELING, DBA NATIONAL FOUNDATION FOR DEBT MANAGEMENT
299 S Shore Rd
US Route 9 So
Marmora, NJ 08223–1210
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $90,788.00

CREDIT ADVISORS FOUNDATION
1818 S. 72nd Street
OMAHA, NE 68124–1704
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $81,467.00

CREDIT CARD MGMT SVCS, INC D/B/A DEBTHELPER.COM
1325 N Congress Ave
#201
WEST PALM BEACH, FL 33401–2005
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $85,391.00

OPERATION HOPE, INC
707 Wilshire Blvd Suite 3030
LOS ANGELES, CA 90017–3582
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $192,524.00

TELAMON CORPORATION
5560 Munford Road
Suite 201
RALEIGH, NC 27612–2635
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $212,307.00

State Housing Finance Agencies (20)

ARKANSAS DEVELOPMENT FINANCE AUTHORITY
900 W Capitol, Suite 310
LITTLE ROCK, AR 72201–9708
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $21,273.00

COLORADO HOUSING AND FINANCE AUTHORITY
1981 Blake St.
DENVER, CO 80202–1229
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $417,665.00

CONNECTICUT HOUSING FINANCE AUTHORITY
999 West Street
ROCKY HILL, CT 06067–3011
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $158,710.00

DELAWARE STATE HOUSING AUTHORITY
18 The Green
DOVER, DE 19901–3612
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $111,395.00

GEORGIA HOUSING AND FINANCE AUTHORITY
60 Executive Park South, NE
ATLANTA, GA 30329–2296
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $641,807.00

IDAHO HOUSING AND FINANCE ASSOCIATION
565 West Myrtle
BOISE, ID 83702–7675
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $159,579.00

KENTUCKY HOUSING CORPORATION
1231 Louisville Rd.
FRANKFORT, KY 40601–6156
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $222,031.00

LOUISIANA HOUSING CORPORATION
2415 Quail Drive
BATON ROUGE, LA 70808–0120
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $497,471.00

MAINE STATE HOUSING AUTHORITY
353 Water Street
AUGUSTA, ME 04330–4665
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $203,814.00

MISSISSIPPI HOME CORPORATION
735 Riverside Drive
JACKSON, MS 39202–1166
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $289,520.00

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
32 Constitution Dr
Bedford, NH 03110–6062
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $201,968.00

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY
637 South Clinton Avenue
TRENTON, NJ 08611–1811
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $158,421.00

NEW YORK STATE HOUSING FINANCE AGENCY
38–40 State Street
4th Floor
ALBANY, NY 12207–2837
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $598,895.00

NORTH CAROLINA HOUSING FINANCE AGENCY
3508 Bush Street
RALEIGH, NC 27609–7509
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $774,875.00

NORTH DAKOTA HOUSING FINANCE AGENCY
2624 Vermont Avenue
BISMARCK, ND 58504–6803
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $140,072.00

PENNSYLVANIA HOUSING FINANCE AGENCY
211 North Front Street
HARRISBURG, PA 17101–1406
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $1,039,231.00

SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
3060 E. Elizabeth Street
PIERRE, SD 57501–5876
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $189,987.00

VIRGIN ISLANDS HOUSING FINANCE AUTHORITY
3202 Demarara No.3 Frenchtown Plaza Suite 200
St. Thomas, VI 00802
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $43,368.00

VIRGINIA HOUSING DEVELOPMENT AUTHORITY
601 S. Belvidere Street
RICHMOND, VA 23220–6504
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $865,555.00

WASHINGTON STATE HOUSING FINANCE COMMISSION
1000 2nd Avenue Suite 2700
SEATTLE, WA 98104–3601
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $263,464.00

Local Housing Counseling Agencies (216)

ABAYOMI COMMUNITY DEVELOPMENT CORPORATION
24331 W. Eight Mile Road
DETROIT, MI 48219–1028
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,900.00

ADMINISTRATION OF RESOURCES AND CHOICES
3003 S. Country Club Road
Suite 219
TUCSON, AZ 85713–4082
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,327.00

ADOPT A HURRICANE FAMILY, INC. DBA CRISIS HOUSING SOLUTIONS
4700 SW 64th Avenue—Suite C
DAVIE, FL 33314–4433
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,424.00

AFFORDABLE HOMEOWNERSHIP FOUNDATION INC
5264 Clayton Ct Ste 1
Fort Myers, FL 33907–2112
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,660.00

AFFORDABLE HOUSING ENTERPRISES, INC.
333 S. 9th Street
GRIFFIN, GA 30224–4111
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,023.00

AFRICAN DEVELOPMENT CENTER OF MINNESOTA

1931 S 5th St
Minneapolis, MN 55454–1257
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,315.00

ALLEGANY COUNTY COMMUNITY OPPORTUNITIES AND RURAL DEVELOPMENT (ACCORD) CORP.
PO Box 573
Belmont, NY 14813–0573
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,324.00

AMERICAN DEBT RESOURCES
248C Larkfield Road
EAST NORTHPORT, NY 11731–2443
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,671.00

ANOKA COUNTY COMMUNITY ACTION PROGRAM, INC
1201 89th Ave NE
Suite 345
BLAINE, MN 55434–3370
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,264.00

APPALACHIAN HOUSING AND REDEVELOPMENT CORPORATION
PO Box 1428
Rome, GA 30162–1428
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

AREA COMMITTEE TO IMPROVE OPPORTUNITIES NOW, INC.
594 Oconee Street
ATHENS, GA 30605–1721
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,759.00

ARUNDEL COMMUNITY DEVELOPMENT SERVICE INC
2666 Riva Road
Suite 210
ANNAPOLIS, MD 21401–7345
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,000.00

ASIAN INCORPORATED
1167 Mission Street, 4th Floor
SAN FRANCISCO, CA 94103–1544
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,444.00

BAY AREA HOUSING, INC
114 Washington Ave
Bay City, MI 48708–5846
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,972.00

BETTER NEIGHBORHOODS, INCORPORATED
986 Albany St
Schenectady, NY 12307–1513
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,011.00

BLACK BOTTOM/SPRINGFIELD HUMAN DEVELOPMENT CORPORATION, DBA ST. JOSEPH HOMEOWNERSHIP
485 West First Street, Suite 239
JACKSONVILLE, FL 32202–3930
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,698.00

BRIGHT COMMUNITY TRUST, INC.
2605 Enterprise Road E. Suite 230
CLEARWATER, FL 33759–1067
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,638.00

BROWARD COUNTY HOUSING AUTHORITY
4780 N State Road 7
LAUDERDALE LAKES, FL 33319–5860
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,443.00

C.E.F.S. ECONOMIC OPPORTUNITY CORPORATION
1805 S. Banker Street
EFFINGHAM, IL 62401–2765
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,698.00

CAMPBELLSVILLE HOUSING AND REDEVELOPMENT AUTHORITY
400 Ingram Ave
PO Box 597
CAMPBELLSVILLE, KY 42718–1627
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,023.00

CAPSTONE COMMUNITY ACTION
20 Gable Pl
Barre, VT 05641–4138
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,221.00

CATHOLIC CHARITIES DIOCESE OF ST. CLOUD
157 Roosevelt Rd Ste 200
Saint Cloud, MN 56301–5485
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,783.00

CATHOLIC SOCIAL SERVICES—FALL RIVER
PO Box M
Fall River, MA 02724–0388
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,622.00

CCCS OF HUNTINGTON, A DIVISION OF GOODWILL INDUSTRIES
1102 Memorial Blvd W
Huntington, WV 25701–4540
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,223.00

CCCS OF KERN AND TULARE COUNTIES
2001 F Street
BAKERSFIELD, CA 93301–4237
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,940.00

CCCS OF WEST FL—MAIN OFFICE
N.F.C.C UNIT #19005/19005–SI
14 Palafox Place
Pensacola, FL 32502
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $27,003.00

CEIBA HOUSING AND ECONOMIC DEVELOPMENT CORPORATION
555 Calle Julian Rivera
CEIBA, PR 00735–2717
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,587.00

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.
720 N Denning Dr
Winter Park, FL 32789–3020
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,214.00

CENTER FOR SIOUXLAND
715 Douglas St
Sioux City, IA 51101–1021
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,071.00

CENTRAL JERSEY HOUSING RESOURCE CENTER, INC.
600 1st Ave Ste 3
Raritan, NJ 08869–1346
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,960.00

CENTRO DE AYUDA PARA LOS HISPANOS, INC.
5575 South Semoran Blvd
Suite 5015
ORLANDO, FL 32822–1747
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,536.00

CHARLESTON TRIDENT URBAN LEAGUE, INC.
1064 Gardner Road
Suite 216
CHARLESTON, SC 29407–5768
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,850.00

CHATHAM COUNTY HOUSING AUTHORITY
13450 US Hwy 64 West
SILER CITY, NC 27344–6443
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,770.00

CITY OF BLOOMINGTON—HOUSING AND NEIGHBORHOOD DEVELOPMENT (HAND)
401 N Morton Street
BLOOMINGTON, IN 47404–3729
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,571.00

CITY OF FULTON COMMUNITY DEVELOPMENT AGENCY
125 West Broadway
FULTON, NY 13069–2215
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,922.00

CITY OF SAN ANTONIO/DEPARTMENT OF HUMAN SERVICES
106 S. Saint Marys St, 7th Floor
SAN ANTONIO, TX 78205–3601
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,960.00

CLINCH–POWELL RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC
7995 Rutledge Pike
RUTLEDGE, TN 37861–3003
Grant Type: COMPREHENSIVE COUNSELING

Amount Awarded: $16,152.00

COLUMBUS HOUSING INITIATIVE, INC. DBA NEIGHBORWORKS COLUMBUS
18 W 11th St
Columbus, GA 31901–4224
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,011.00

COMMUNITY ACTION AGENCY
1214 Greenwood Avenue
Jackson, MI 49203
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,448.00

COMMUNITY ACTION AGENCY OF NORTHWEST ALABAMA, INC.
745 Thompson St
Florence, AL 35630–3867
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,071.00

COMMUNITY ACTION IN SELF HELP, INCORPORATED
48 Water St
Lyons, NY 14489–1244
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,803.00

COMMUNITY ACTION NETWORK, INC.
7891 Highway 69 S
Springville, TN 38256–5400
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,335.00

COMMUNITY ACTION PARTNERSHIP OF NORTH ALABAMA, INC.
1909 Central Pkwy SW
Decatur, AL 35601–6822
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,598.00

COMMUNITY ACTION PARTNERSHIP OF SUBURBAN HENNEPIN
8800 Highway 7 Ste 401
St Louis Park, MN 55426–3929
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $20,904.00

COMMUNITY ACTION PARTNERSHIP, HUNTSVILLE/MADISON & LIMESTONE COUNTIES, INC
PO Box 3975
Huntsville, AL 35810–0975
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,779.00

COMMUNITY ACTION PROGRAM OF EVANSVILLE & VANDERBURGH COUNTY, INC
401 SE 6th St Ste 1
Evansville, IN 47713–1249
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,627.00

COMMUNITY CONNECTION OF NORTHEAST OREGON, INC.
2802 Adams Ave
La Grande, OR 97850–5267
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,295.00

COMMUNITY DEVELOPMENT & IMPROVEMENT CORP.
560 Jefferson Davis Highway
GRANITEVILLE, SC 29829–2748
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,538.00

COMMUNITY DEVELOPMENT SUPPORT ASSOCIATION
2615 E Randolph Ave
Enid, OK 73701–4670
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,516.00

COMMUNITY ENTERPRISE INVESTMENTS, INCORPORATED
302 North Barcelona St
PENSACOLA, FL 32501–4806
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,698.00

COMMUNITY HOUSING COUNCIL OF FRESNO
2560 W. Shaw Lane, Ste. 101
FRESNO, CA 93711–2777
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,364.00

COMMUNITY HOUSING INITIATIVE, INC
3033 College Wood Dr
Melbourne, FL 32934–8324
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,315.00

COMMUNITY HOUSING SOLUTIONS
2114 Larchmere Blvd
CLEVELAND, OH 44120–1139
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,728.00

COMMUNITY INVESTMENT CORPORATION OF DECATUR, INC
2121 S. Imboden Court
DECATUR, IL 62521–5286
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,811.00

COMMUNITY RENEWAL TEAM, INC.
330 Market Street
HARTFORD, CT 06120–2901
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,547.00

COMMUNITY SERVICE NETWORK, INC.
136 Elm Street
STONEHAM, MA 02180–3426
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,298.00

COMMUNITY SERVICE PROGRAMS OF WEST ALABAMA, INC.
601 Black Bears Way
TUSCALOOSA, AL 35401–4807
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,032.00

COMMUNITY SERVICES AND EMPLOYMENT TRAINING, INC. (CSET)
312 NW 3rd Avenue
VISALIA, CA 93291–3626
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,910.00

COMMUNITY SERVICES LEAGUE
404 North Noland Road
INDEPENDENCE, MO 64050–3057
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,396.00

COMPREHENSIVE HOUSING RESOURCES, INC.
21450 Gibralter Dr Ste 1
Port Charlotte, FL 33952–5417
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,839.00

CONSOLIDATED CREDIT SOLUTIONS, INC.
5701 W Sunrise Blvd
Plantation, FL 33313–6269
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $30,892.00

CONSUMER CREDIT COUNSELING SERVICE OF CENTRAL OKLAHOMA
3230 N Rockwell Ave
Bethany, OK 73008–4034
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $20,981.00

CONSUMER CREDIT COUNSELING SERVICE OF WNC, INC.—DBA—ONTRACK FINANCIAL EDUCATION & COUNSELING
50 S French Broad Ave
Ste 227
Asheville, NC 28801–3271
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $22,908.00

CONSUMER EDUCATION SERVICES, INC
3700 Barrett Dr
Raleigh, NC 27609–7213
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $24,586.00

COVENANT FAITH OUTREACH MINISTRIES—COVENANT COMMUNITY DEVELOPMENT CORPORATION
146 South Thomas Street Suite B–II
TUPELO, MS 38801–5328
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,355.00

CRAWFORD SEBASTIAN COMMUNITY DEVELOPMENT COUNCIL
4831 Armour St.
FORT SMITH, AR 72904–4523
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,608.00

CREDIT & HOMEOWNERSHIP EMPOWERMENT SERVICES, INC.
3125 Gillham Plaza
KANSAS CITY, MO 64109–1711
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,490.00

CREDIT ADVOCATE COUNSELING CORP
237 First Avenue
Suite 305
NEW YORK, NY 10003–2919
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,355.00

CUMBERLAND COMMUNITY ACTION PROGRAM, INC.
PO Box 2009
Fayetteville, NC 28302–2009
Grant Type: COMPREHENSIVE COUNSELING

Amount Awarded: $22,949.00

DESERT MISSION NEIGHBORHOOD RENEWAL
9229 N 4th St
Phoenix, AZ 85020–2530
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,023.00

DIVERSIFIED HOUSING DEVELOPMENT, INC.
8025 Liberty Rd
Windsor Mill, MD 21244–2966
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,859.00

DREAM HOME ORGANIZATION, INC.
7390 NW 5th Street Suite #4
PLANTATION, FL 33317–1610
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,032.00

DUPAGE HOMEOWNERSHIP CENTER, INC
1600 E. Roosevelt Road
WHEATON, IL 60187–6808
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,872.00

EASTER SEALS OF GREATER HOUSTON, INC.
4500 Bissonnet St Ste 340
Bellaire, TX 77401–3009
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,071.00

EASTERN IOWA REGIONAL HOUSING AUTHORITY
7600 Commerce Park
DUBUQUE, IA 52002–9673
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,591.00

ECONOMIC OPPORTUNITY FOR SAVANNAH CHATHAM COUNTY AREA, INC.
618 W Anderson St
SAVANNAH, GA 31415–5420
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,587.00

EDEN COUNCIL FOR HOPE AND OPPORTUNITY (ECHO)
770 A St
Hayward, CA 94541–3956
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,476.00

ELIZABETH CITY STATE UNIVERSITY COMMUNITY DEVELOPMENT PROGRAM
1704 Weeksville Rd.
ELIZABETH CITY, NC 27909–7977
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,608.00

EL PASO COMMUNITY ACTION PROGRAM, PROJECT BRAVO, INC.
2000 Texas Ave
EL PASO, TX 79901–1919
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,335.00

FAIR HOUSING CONTACT SERVICE
441 Wolf Ledges Pkwy Ste 200
Akron, OH 44311–1038
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,479.00

FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC
3933 Mission Inn Ave
RIVERSIDE, CA 92501–3219
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $20,926.00

FAIR HOUSING OF MARIN
1314 Lincoln Ave.
SAN RAFAEL, CA 94901–2105
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,315.00

FAIR HOUSING RESOURCE CENTER
1100 Mentor Ave
PAINESVILLE, OH 44077–1832
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,141.00

FAMILY HOUSING ADVISORY SERVICES, INC.
2401 Lake St
Omaha, NE 68111–3872
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,878.00

FAMILY MANAGEMENT CREDIT COUNSELORS, INC.
359 Rock Island Ave
Waterloo, IA 50701–5301
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $19,936.00

FIFTH-WARD COMMUNITY REDEVELOPMENT CORP.
4300 Lyons Ave Ste 300
Houston, TX 77020–2569
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,748.00

FRANKLIN COUNTY COMMUNITY HOUSING COUNCIL
337 West Main Street
MALONE, NY 12953–1751
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,991.00

FREDERICK COMMUNITY ACTION AGENCY
100 S Market St
FREDERICK, MD 21701–5527
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,543.00

GAP COMMUNITY DEVELOPMENT RESOURCES, INC.
129 West Fowlkes Street
Suite 137
FRANKLIN, TN 37064–3561
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,972.00

GENESIS HOUSING DEVELOPMENT CORPORATION
7735 S. Vernon Avenue
CHICAGO, IL 60619–2922
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,688.00

GREATER BERGEN COMMUNITY ACTION, INC.
241 Moore St
Hackensack, NJ 07601–7533
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,677.00

HABITAT FOR HUMANITY OF JACKSONVILLE, INC.
2404 Hubbard Street
JACKSONVILLE, FL 32206–2911
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,062.00

HABITAT FOR HUMANITY, STANISLAUS COUNTY
630 Kearney Avenue
MODESTO, CA 95350–5714
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,688.00

HAGERSTOWN NEIGHBORHOOD DEVELOPMENT PARTNERSHIP, INC. (HNDP)
21 E Franklin St
Hagerstown, MD 21740–4914
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,122.00

HISPANIC ASSOCIATION OF CONTRACTORS AND ENTERPRISES
167 W Allegheny Ave
Philadelphia, PA 19140–5846
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,940.00

HOME OPPORTUNITIES MADE EASY, INC. (HOME, INC.)
1111 Ninth Street, Suite 210
DES MOINES, IA 50314–2527
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,295.00

HOME PARTNERSHIP, INC. (HPI)
626 Towne Center Dr
Joppa, MD 21085–4446
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,396.00

HOME REPAIR SERVICES OF KENT COUNTY
1100 Division Ave S
Grand Rapids, MI 49507–1024
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,476.00

HOMES IN PARTNERSHIP, INC.
P.O. Box 761
Apopka, FL 32704–0761
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,910.00

HOOSIER UPLANDS ECONOMIC DEVELOPMENT CORPORATION
500 W Main St
MITCHELL, IN 47446–1411
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,435.00

HOPE AMERICA, INC.—A/K/A HELPING ORDINARY PEOPLE EXCEL
133 W. Michigan Avenue, Ste. 204
YPSILANTI, MI 48197–5550
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,486.00

HOPE COMMUNITY DEVELOPMENT AGENCY
715 Howard Avenue
BILOXI, MS 39530–4305
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,598.00

HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC.
213 E 12th Ave
BOWLING GREEN, KY 42101–3454
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,638.00

HOUSING AUTHORITY OF MINGO COUNTY
5026 Helena Avenue
Delbarton, WV 25670
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,659.00

HOUSING AUTHORITY OF THE CITY OF GREENSBORO D/B/A GREENSBORO HOUSING AUTHORITY
450 N Church St
Greensboro, NC 27401–2001
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,235.00

HOUSING AUTHORITY OF THE CITY OF HIGH POINT
500 E Russell Ave
High Point, NC 27260–6746
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,355.00

HOUSING AUTHORITY OF THE CITY OF JACKSON
2747 Livingston Rd
Jackson, MS 39213–6928
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,174.00

HOUSING AUTHORITY OF THE CITY OF PATERSON
60 Van Houten St
Paterson, NJ 07505–1028
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,244.00

HOUSING AUTHORITY OF YAMHILL COUNTY
135 NE Dunn Pl
McMinnville, OR 97128–9081
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,910.00

HOUSING COUNSELING SERVICES, INCORPORATED
2410 17th St NW Ste 100
Washington, DC 20009–2724
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $35,352.00

HOUSING DEVELOPMENT CORPORATION OF SW FLORIDA, INC.
3200 Bailey Ln Ste 109
Naples, FL 34105–8506
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,647.00

HOUSING EDUCATION AND ECONOMIC DEVELOPMENT, INC.
3405 Medgar Evers Blvd
Jackson, MS 39213–6360
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,883.00

HOUSING INITIATIVE PARTNERSHIP, INC. (''HIP'')
6525 Belcrest Road
Suite 555
HYATTSVILLE, MD 20782–2003
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,857.00

HOUSING OPPORTUNITY DEVELOPMENT CORP.
2001 Waukegan Road
TECHNY, IL 60082–1000
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,174.00

HOUSING OPTIONS PROVIDED FOR THE ELDERLY
4265 Shaw Blvd
4265 Shaw Boulevard
Saint Louis, MO 63110–3526
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $29,222.00

JACKSON-VINTON COMMUNITY ACTION, INC.
118 S. New York Avenue
WELLSTON, OH 45692–1540
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,547.00

JACKSONVILLE AREA LEGAL AID, INC.
126 W Adams St
Jacksonville, FL 32202–3849
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,627.00

JEFFERSON COUNTY COMMITTEE FOR ECONOMIC OPPORTUNITY
801 46th Street North
BIRMINGHAM, AL 35212–2213
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,163.00

JEFFERSON COUNTY HOUSING AUTHORITY
3700 Industrial Parkway
BIRMINGHAM, AL 35217–5316
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,274.00

JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY HOUSING AND COMMUNITY DEVELOPMENT ORGANIZATION (JURHA HCDO)
330 Union St
Jonesboro, AR 72401–2815
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,811.00

KANAWHA INSTITUTE FOR SOCIAL RESEARCH & ACTION, INC.
131 Perkins Ave
DUNBAR, WV 25064–1433
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,255.00

KCEOC COMMUNITY ACTION PARTNERSHIP, INC.
5448 North U.S. 25E, Suite A
GRAY, KY 40734–6582
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,587.00

KEUKA HOUSING COUNCIL
160 Main St
Penn Yan, NY 14527–1204
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,799.00

KINGDOM COMMUNITY, INC.
5151 West Madison Street
2nd Flr
CHICAGO, IL 60644–4148
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,396.00

LAKE COUNTY HOUSING AUTHORITY
33928 North U.S. Highway 45
GRAYSLAKE, IL 60030–1714
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,355.00

LATIN UNITED COMMUNITY HOUSING ASSOCIATION
3541 W. North Avenue
CHICAGO, IL 60647–4808
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $19,336.00

LEE COUNTY HOUSING DEVELOPMENT CORPORATION
3677 Central Ave #F
FORT MYERS, FL 33901–8226
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,283.00

LIMA ALLEN COUNCIL ON COMMUNITY AFFAIRS
540 S. Central Ave.,
LIMA, OH 45804–1306
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,315.00

LINCOLN HILLS DEVELOPMENT CORPORATION
302 Main St.
TELL CITY, IN 47586–2207
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,295.00

LIVE THE DREAM DEVELOPMENT, INC.
247 Double Springs Road
BOWLING GREEN, KY 42101–5160
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,174.00

LOS ANGELES NEIGHBORHOOD HOUSING SERVICES, INC.
3926 Wilshire Blvd Ste 200
Los Angeles, CA 90010–3303
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $21,713.00

MACOUPIN COUNTY HOUSING AUTHORITY
760 Anderson Street
CARLINVILLE, IL 62626–1003
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,235.00

MANATEE COMMUNITY ACTION AGENCY, INC. F/K/A MANATEE OPPORTUNITY COUNCIL, INCORPORATED

302 Manatee Ave E Ste 200
BRADENTON, FL 34208–1900
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,122.00

METEC
2605 W Krause Avenue
PEORIA, IL 61605–2904
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,223.00

METRO-INTERFAITH HOUSING MANAGEMENT CORPORATION DBA METRO INTERFAITH SERVICES
21 New St.
BINGHAMTON, NY 13903–1759
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,811.00

MID-FLORIDA HOUSING PARTNERSHIP, INC.
1834 Mason Ave
Daytona Beach, FL 32117–5101
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,859.00

MIDCOAST MAINE COMMUNITY ACTION
34 Wing Farm Pkwy
Bath, ME 04530–1515
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,203.00

MIDLAND COLLEGE BUSINESS & ECONOMIC DEVELOPMENT CENTER (BEDC)
201 W Florida Ave
Midland, TX 79701–7260
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,820.00

MISSION ECONOMIC DEVELOPMENT ASSOCIATION (MEDA)
2301 Mission Street Suite 301
SAN FRANCISCO, CA 94110–1898
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,283.00

MOBILE HOUSING BOARD
151 S Claiborne St
Mobile, AL 36602–2323
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,291.00

MOVIN' OUT, INC. (DISABLED ONLY)
206 E. Olin Avenue
MADISON, WI 53713–1434
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,071.00

MUNCIE HOME OWNERSHIP AND DEVELOPMENT CENTER
120 West Charles Street
MUNCIE, IN 47305–2419
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,486.00

MUSCATINE MUNICIPAL HOUSING AGENCY
215 Sycamore St
Muscatine, IA 52761–3839
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,355.00

NATIVE AMERICAN YOUTH AND FAMILY CENTER
5135 NE Columbia Blvd
Portland, OR 97218–1201
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,386.00

NCCS CENTER FOR NONPROFIT HOUSING
6308 S. Warner
FREMONT, MI 49412–9279
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,910.00

NEIGHBORHOOD ECONOMIC DEVELOPMENT CORPORATION (NEDCO)
212 Main St
Springfield, OR 97477–5370
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,977.00

NEIGHBORHOOD HOUSING SERVICES SILICON VALLEY
31 N. Second Street, Ste. 300
SAN JOSE, CA 95113–1232
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,647.00

NEW LEVEL COMMUNITY DEVELOPMENT CORPORATION
1112 Jefferson St
Nashville, TN 37208–2500
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

NEWTOWN COMMUNITY DEVELOPMENT CORPORATION
511 W University Dr Ste 4
Tempe, AZ 85281–5585
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,900.00

NIAGARA FALLS NEIGHBORHOOD HOUSING SERVICES
479 16th St
NIAGARA FALLS, NY 14303–1636
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,871.00

NORTH HUDSON COMMUNITY ACTION CORPORATION
800 31st St
Union City, NJ 07087–2428
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,811.00

NORTHEAST COLORADO HOUSING, INC.
801 S. West Street, 25
FORT MORGAN, CO 80701–4068
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,962.00

NORTHSIDE COMMUNITY DEVELOPMENT CORPORATION
1530 W. Morse Avenue
CHICAGO, IL 60626–3307
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,232.00

NORTHWEST MICHIGAN COMMUNITY ACTION AGENCY, INC
3963 Three Mile Road, North
TRAVERSE CITY, MI 49686–9164
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $23,168.00

NORTHWEST OHIO DEVELOPMENT AGENCY
432 N. Superior Street
TOLEDO, OH 43604–1416
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,184.00

NORTHWEST REGIONAL HOUSING AUTHORITY
114 Sisco Ave
HARRISON, AR 72601–2130
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,900.00

NY STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES (OPWDD)
44 Holland Avenue
ALBANY, NY 12208–3411
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,444.00

OAKLAND COUNTY HOUSING COUNSELING
250 Elizabeth Lake Rd Ste 1900
Pontiac, MI 48341–1035
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $19,432.00

OAKLAND LIVINGSTON HUMAN SERVICE AGENCY
196 Cesar E Chavez Ave
Pontiac, MI 48342–1094
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,295.00

OCALA HOUSING AUTHORITY
1629 NW 4th St
Ocala, FL 34475–6051
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $22,784.00

OCEAN COMMUNITY ECONOMIC ACTION NOW, INC. (O.C.E.A.N., INC.)
22 Hyers St
Toms River, NJ 08753–7428
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,364.00

ONE STOP CAREER CENTER OF PUERTO RICO
Condominio Plaza Universidad 2000
Calle Anasco 839, Suite 5
RIO PIEDRAS, PR 00925–2450
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,640.00

OPA-LOCKA COMMUNITY DEVELOPMENT CORPORATION
490 Opa Locka Blvd
Opa Locka, FL 33054–3563
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,274.00

ORANGE COUNTY FAIR HOUSING COUNCIL, INC
1516 Brookhollow Drive
Suite A
SANTA ANA, CA 92705–5426
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,779.00

ORGANIZED COMMUNITY ACTION PROGRAM, INC
507 North Three Notch Street
TROY, AL 36081–2120
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,748.00

PRO-HOME, INC.
40 Summer Street
TAUNTON, MA 02780–3420
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

PROJECT SENTINEL
1490 El Camino Real
Santa Clara, CA 95050–4609
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $23,146.00

PROVIDENCE HOUSING AUTHORITY
100 Broad St
Providence, RI 02903–4154
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT, INC.
100 First Street
PERTH AMBOY, NJ 08861–4645
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,951.00

QUICKCERT, INC.
7122 S Sheridan Rd Ste 2–533
Tulsa, OK 74133–2748
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $30,191.00

RALEIGH AREA DEVELOPMENT AUTHORITY, INC.
4030 Wake Forest Road
Suite 205
RALEIGH, NC 27609–6800
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,839.00

RCAP SOLUTIONS, INC.
12 East Worcester Street
WORCESTER, MA 01604–3612
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,940.00

REAL PARENTS INC.
6741 Church Street
Suite #1
RIVERDALE, GA 30274–4716
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,338.00

REFUGEE FAMILY ASSISTANCE PROGRAM
5405 Memorial Drive Suite 101
STONE MOUNTAIN, GA 30083–3234
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,223.00

SANDHILLS COMMUNITY ACTION PROGRAM, INC.
340 Commerce Avenue, Suite 20
SOUTHERN PINES, NC 28387–7168
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,711.00

SENIOR CITIZENS UNITED COMMUNITY SERVICES OF CAMDEN COUNTY, INC.
537 W Nicholson Rd
Audubon, NJ 08106–1970
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,783.00

SMART MONEY HOUSING AKA SMART WOMEN SMART MONEY
3510 West Franklin Blvd
CHICAGO, IL 60624–1316
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $22,715.00

SOLITA'S HOUSE INC
3101 E. 7th Ave.
TAMPA, FL 33605–4207
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,859.00

SOUTH SUBURBAN HOUSING CENTER
18220 Harwood Avenue, Suite 1
HOMEWOOD, IL 60430–2151
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,960.00

SOUTHERN APPALACHIAN LABOR SCHOOL FOUNDATION, INC.
1862 Beards Fork Rd
ROBSON, WV 25173–9010
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,486.00

SOUTHERN BANCORP COMMUNITY PARTNERS
8924 Kanis Rd
Little Rock, AR 72205–6414
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,910.00

SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION
8383 Old Leonardtown Road
Hughesville, MD 20637
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,788.00

SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES, INC.
55 5th St E Ste 400
Saint Paul, MN 55101–1118
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,353.00

SOUTH SOUND OUTREACH SERVICES
1106 Martin Luther King Jr Way
TACOMA, WA 98405–4152
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,122.00

SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY (SNRHA)
340 N 11th St
Las Vegas, NV 89101–3125
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,750.00

SPRINGFIELD NEIGHBORHOOD HOUSING SERVICES
111 Wilbraham Rd
Springfield, MA 01109–3127
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,071.00

ST JOHNS HOUSING PARTNERSHIP, INC.
93 Orange St.
SAINT AUGUSTINE, FL 32084–3590
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,486.00

STATESVILLE HOUSING AUTHORITY
110 W Allison St
Statesville, NC 28677–6616
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,790.00

STEUBEN CHURCHPEOPLE AGAINST POVERTY, INC. D/B/A ARBOR HOUSING AND DEVELOPMENT
26 Bridge Street
CORNING, NY 14830–2207
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,055.00

SUMMECH COMMUNITY DEVELOPMENT CORPORATION, INC.
633 Pryor Street
ATLANTA, GA 30312–2738
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,419.00

TALLAHASSEE URBAN LEAGUE, INC
923 Old Bainbridge Rd
Tallahassee, FL 32303–6042
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,859.00

TAMPA BAY COMMUNITY DEVELOPMENT CORPORATION
2139 NE Coachman Rd, Suite 1
CLEARWATER, FL 33765–2612
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,831.00

THE AFFORDABLE HOUSING CORPORATION OF MARION, INDIANA
812 S Washington St
Marion, IN 46953–1967
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $19,972.00

THE AGRICULTURE AND LABOR PROGRAM, INC.
300 Lynchburg Road
LAKE ALFRED, FL 33850–2576
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

THE HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY
881 Amboy Avenue
PERTH AMBOY, NJ 08861–1911
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,799.00

TOTAL RESOURCE COMMUNITY DEVELOPMENT ORGANIZATION
1415 West 104th Street
CHICAGO, IL 60643–2962
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,304.00

TREASURE COAST HOMELESS SERVICES COUNCIL, INC
2525 Saint Lucie Ave
Vero Beach, FL 32960–3385
Grant Type: COMPREHENSIVE COUNSELING

Amount Awarded: $14,547.00

TRI-VALLEY HOUSING OPPORTUNITY CENTER
141 N. Livermore Avenue Suite A
LIVERMORE, CA 94550–3118
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,235.00

TWIN RIVERS OPPORTUNITIES, INC.
318 Craven St.
NEW BERN, NC 28560–4909
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,619.00

UNIVERSAL HOUSING DEVELOPMENT CORPORATION
301 E 3rd St
RUSSELLVILLE, AR 72801–5109
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,647.00

UPSTATE HOUSING PARTNERSHIP
139 S Dean St
Spartanburg, SC 29302–1908
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,465.00

UTAH STATE UNIVERSITY—FAMILY LIFE CENTER—HFC
493 North 700 East
LOGAN, UT 84321–4231
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,207.00

WACO COMMUNITY DEVELOPMENT CORPORATION
1624 Colcord Ave
Waco, TX 76707–2246
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,608.00

WASHINGTON COUNTY COMMUNITY ACTION COUNCIL
101 Summit Ave
Hagerstown, MD 21740–5508
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,112.00

WASHINGTON HOUSING NONPROFIT, INC
1385 John Small Avenue
WASHINGTON, NC 27889–3842
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

WEST CENTRAL WISCONSIN COMMUNITY ACTION AGENCY, INC.
525 2nd St
P.O. Box 308
Glenwood City, WI 54013–8556
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,719.00

WEST PALM BEACH HOUSING AUTHORITY
1715 Division Ave
West Palm Beach, FL 33407–6284
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,598.00

WESTERN DAIRYLAND ECONOMIC OPPORTUNITY COUNCIL, INC.
23122 Whitehall Rd
INDEPENDENCE, WI 54747–7702
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,386.00

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS
1880 2nd Ave NW
HICKORY, NC 28601–5766
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,156.00

WILL COUNTY CENTER FOR COMMUNITY CONCERNS
2455 Glenwood Avenue
JOLIET, IL 60435–5464
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,448.00

WOMEN'S DEVELOPMENT CENTER
4020 Pecos McLeod
LAS VEGAS, NV 89121–4350
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,447.00

WORKING IN NEIGHBORHOODS
1814 Dreman Ave
Cincinnati, OH 45223–2319
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,000.00

WSOS COMMUNITY ACTION COMMISSION, INC.
1518 E. County Road 113
GREEN SPRINGS, OH 44836–9606
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,891.00

YOUNGSTOWN METROPOLITAN HOUSING AUTHORITY
131 W Boardman St
Youngstown, OH 44503–1337
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,547.00

YOUNGSTOWN NEIGHBORHOOD DEVELOPMENT CORP.
820 Canfield Road
YOUNGSTOWN, OH 44511–2345
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,598.00

YOUTH EDUCATION AND HEALTH IN SOULARD
1901 S 11th St
Saint Louis, MO 63104–3915
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,531.00

Appendix B—List of Awardees for the FY 2015 Supplemental Comprehensive Housing Counseling NOFA

Intermediary Organizations (4)

HOUSING ACTION ILLINOIS
11 E. Adams St, Suite 1601
CHICAGO, IL 60603–6304
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $307,012.00

HOUSING OPPORTUNITIES COLLABORATIVE
1100 Broadway
SAN DIEGO, CA 92101–5612
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $114,984.00

MONTANA HOMEOWNERSHIP NETWORK DBA NEIGHBORWORKS MONTANA
509 1st Ave S
Great Falls, MT 59401–3604
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $342,398.00

PATHSTONE CORPORATION
400 East Avenue
ROCHESTER, NY 14607–1910
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $178,146.00

LHCA (32)

ACTION FOR BOSTON COMMUNITY DEVELOPMENT, INC.
178 Tremont St
Boston, MA 02111–1006
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,243.00

ALL–AMERICAN FORECLOSURE SOLUTIONS, INC
1430 SE 16th PL Suite ''A''
CAPE CORAL, FL 33990–3807
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,717.00

BEAUFORT COUNTY BLACK CHAMBER OF COMMERCE
801 Bladen Street
BEAUFORT, SC 29902–4574
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,739.00

BENNINGTON–RUTLAND OPPORTUNITY COUNCIL, INC. (BROC)
45 Union Street
RUTLAND, VT 05701–3956
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $17,947.00

BLACK HILLS CHILDREN'S RANCH, INC.—PIONEER CREDIT COUNSELING
1644 Concourse Drive
RAPID CITY, SD 57703–4720
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $23,078.00

CITY OF VACAVILLE DEPARTMENT OF HOUSING SERVICES
40 Eldridge Avenue Suite 2
VACAVILLE, CA 95688–6824
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,146.00

COMMUNITY ACTION AGENCY OF OKLAHOMA CITY AND OKLAHOMA/CANADIAN COUNTIES, INC.
319 SW 25th St
Oklahoma City, OK 73109–5921
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,166.00

COMPASS FAMILY & COMMUNITY SERVICES
535 Marmion Ave
Youngstown, OH 44502–2323
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,049.00

CORPORACION DESARROLLO ECONOMICO,VIVIENDA Y SALUD

Calle Eugenio M. de Hostos #175
Esq Puro Girau
ARECIBO, PR 00612–4709
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,955.00

COUNTY OF BERGEN, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SENIOR SERVICES
1 Bergen County Plz Fl 2
Hackensack, NJ 07601–7075
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,092.00

EASTERN EIGHT COMMUNITY DEVELOPMENT CORP.
214 East Watauga Avenue
JOHNSON CITY, TN 37601–4630
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,838.00

FAMILY FOUNDATIONS OF NORTHEAST FLORIDA, INC.
1639 Atlantic Blvd
Jacksonville, FL 32207–3346
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $16,648.00

FOOTHILLS CREDIT COUNSELING, INC.
709 W Main St
SUITE A
Forest City, NC 28043–2820
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,810.00

GARRETT COUNTY COMMUNITY ACTION COMMITTEE, INC.
104 E Center St Apt 3
Oakland, MD 21550–1341
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,944.00

GRAND RAPIDS URBAN LEAGUE
745 Eastern Ave SE
Grand Rapids, MI 49503–5544
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,348.00

GREATER LANSING HOUSING COALITION
600 W. Maple Street
LANSING, MI 48906–5093
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,862.00

GULFCOAST LEGAL SERVICES, INC
501 First Avenue N Suite 420
ST PETERSBURG, FL 33701–3714
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $13,929.00

HARFORD COUNTY HOUSING AGENCY
15 S Main St Ste 106
Bel Air, MD 21014–8723
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,224.00

HIGH PLAINS COMMUNITY DEVELOPMENT, CORP.
803 E 3rd St Ste 4
Chadron, NE 69337–2855
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $20,074.00

HISPANIC BROTHERHOOD OF ROCKVILLE CENTRE, INC.
59 Clinton Ave
Rockville Centre, NY 11570–4042
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,442.00

HOME OWNERSHIP RESOURCE CENTER OF LEE COUNTY
2915 Colonial Blvd Ste 200
Fort Myers, FL 33966–1009
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,932.00

HOUSING AUTHORITY OF THE CITY OF DURHAM
330 E Main St
Durham, NC 27701–3718
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $11,149.00

HOUSING AUTHORITY OF THE CITY OF PRICHARD
PO Box 10307
Prichard, AL 36610–0307
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,140.00

HOUSING SERVICES FOR EATON COUNTY
319 S Cochran Ave
Charlotte, MI 48813–1555
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $18,460.00

MARKETVIEW HEIGHTS ASSOCIATION, INC.
308 North Street
ROCHESTER, NY 14605–2540
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,351.00

NORTHERN PUEBLOS HOUSING AUTHORITY
5 W Gutierrez Ste 10
Santa Fe, NM 87506–0956
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,448.00

OPEN COMMUNITIES
614 Lincoln Avenue
WINNETKA, IL 60093–2331
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,049.00

OPEN DOOR COUNSELING CENTER
34420 SW Tualatin Valley Hwy
Hillsboro, OR 97123–5470
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $22,039.00

ROCKAWAY DEVELOPMENT AND REVITALIZATION CORPORATION
1920 Mott Ave
Suite 2
FAR ROCKAWAY, NY 11691–4106
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $15,257.00

TENANT RESOURCE CENTER
1202 Williamson St Ste A
Madison, WI 53703–4829
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,932.00

UNITED NEIGHBORS, INC.
808 Harrison Street
DAVENPORT, IA 52803–5000
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $14,260.00

WESTMORELAND COMMUNITY ACTION
226 S Maple Ave
Greensburg, PA 15601–3234
Grant Type: COMPREHENSIVE COUNSELING
Amount Awarded: $12,237.00

Appendix C—List of Awardees for the FY 2014—2015 Housing Counseling Training NOFA

Intermediary Organizations (3)

NATIONAL COMMUNITY REINVESTMENT COALITION, INC.
727 15th Street, NW Suite 900
WASHINGTON, DC 20005–6027
Grant Type: TRAINING
Amount Awarded: $589,680.00

NATIONAL COUNCIL OF LA RAZA
1126 16th Street, NW., Suite 600
Raul Yzaguirre Building
WASHINGTON, DC 20036–4845
Grant Type: TRAINING
Amount Awarded: $559,458.00

NEIGHBORHOOD REINVESTMENT CORP. DBA NEIGHBORWORKS AMERICA
999 North Capitol Street, NE
Suite 900
WASHINGTON, DC 20002–4684
Grant Type: TRAINING
Amount Awarded: $850,862.00

[FR Doc. 2015–19948 Filed 8–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–33]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing

this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Agriculture: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; Energy: Mr. David Steinau, Department of Energy, Office of Property Management, OECM MA–50, 4B122, 1000 Independence Ave SW., Washington, DC 20585 (202) 287–1503; Interior: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL 33021; (443) 223–4639; Navy: Mr. Steve Matteo, Department of the Navy, Asset Management; Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free numbers).

Dated: August 6, 2015.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 08/14/2015

Suitable/Available Properties

Building

New York

2 Buildings
Appalachian National Scenic Trail
Hopewell Junction NY 12533
Landholding Agency: Interior
Property Number: 61201530010
Status: Excess
Directions: Tract #273–13 Messerschmitt House (910 sq. ft.); Messerschmitt Shed (64 sq. ft.)
Comments: off-site removal; 17+yrs. vacant; residential; storage; house foundation cracked; shed in poor condition; contact DOI for more information.

Texas

2 Buildings
Naval Air Station Corpus Christi
Corpus Christi TX 78419
Landholding Agency: Navy
Property Number: 77201530012
Status: Excess
Directions: Bldg. 5 (10,522 sq. ft.) & 90 (24,880 sq. ft.)
Comments: 71+ yrs. old; Officers club; library; 18+ mos. vacant; poor conditions; contact Navy for more information.

Virginia

2 Buildings
Appalachian National Scenic Trail
Salem VA 24153
Landholding Agency: Interior
Property Number: 61201530005
Status: Excess
Directions: Tract #476–21 Lyle House; Lyle Shed
Comments: off-site removal; 59+ yrs.; 900 sq. ft.; 36+ mos. vacant; poor conditions; residential; contact Interior for more information.

4 Buildings
Appalachian National Scenic Trail
Daleville VA 24083
Landholding Agency: Interior
Property Number: 61201530008
Status: Excess
Directions: Tract #473–09 Arney House (3,768 sq. ft.); Arney Cottage (550 sq. ft.); Arney Workshop (864 sq. ft.); Arney Horse shed (284 sq. ft.)
Comments: 14–58+ yrs. old; residential; 36+ mos. vacant; poor to fair conditions; contact Interior for more information.

21 Buildings
Marine Corps Base
Quantico VA
Landholding Agency: Navy
Property Number: 77201530016
Status: Unutilized
Directions: 27010A; 27013A; 27014B; 27015C; 27017D; 27026A; 27026Q; 27030A; 27061A; 27064D; 2739; 27246; 27246A; 27280B; 27553; 27018A; 27035; 27036; 2704A; 27058; 27012B—200 sq. ft. for each building listed
Comments: off-site removal only; no future agency need; latrine; very poor conditions; 3+ yrs. vacant lead/asbestos/chromium/bio-hazard waste; significant remediation needed; contact Navy for more info.

Unsuitable Properties

Building

California

Sandia National Laboratories
C9781 & CSTENT12
Livermore CA 94550
Landholding Agency: Energy
Property Number: 41201530002
Status: Excess
Directions: C9781, CSTENT12

Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Hawaii

Sandia National Laboratories
K663, K663A, K666
Kekaha HI 96752
Landholding Agency: Energy
Property Number: 41201530001
Status: Excess
Directions: K663, K663A, K666
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Maryland

Fort Washington Facility
10530 Riverview Road
Fort Washington MD 20744
Landholding Agency: Navy
Property Number: 77201530014
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Massachusetts

Central Wharf Rigging Shed
Salem Maritime National Historic Site
Salem MA 01970
Landholding Agency: Interior
Property Number: 61201530004
Status: Excess
Comments: structure unsound or in collapsed condition; rodent infested.
Reasons: Extensive deterioration

Missouri

Round Spring Quarter Duplex 24
Ozark National Scenic Riverways
Eminence MO 65466
Landholding Agency: Interior
Property Number: 61201530014
Status: Excess
Directions: Q–0000248A&B UC RS
Comments: contaminated with chlordane; exposure levels are significantly dangerous which would make remediation not feasible.
Reasons: Contamination

LC BS Big Spring Ranger Contac
Ozark National Scenic Riverways
Van Buren MO 63965
Landholding Agency: Interior
Property Number: 61201530016
Status: Excess
Comments: property located within floodway which has not been correct or contained; significant flood damage; extensive decay/rot which has led to bldg. being structural unsound.
Reasons: Floodway; Extensive deterioration

Big Spring Quarter Duplex 473
Ozark National Scenic Riverways
Van Buren MO 63965
Landholding Agency: Interior
Property Number: 61201530017
Status: Excess
Directions: Q–0000473A&B LC BS
Comments: contaminated with chlordane at significant levels that would make remediation not feasible.
Reasons: Contamination

Alley Spring Quarters/Duplex 5
Ozark National Scenic Riverways
Eminence MO 65466
Landholding Agency: Interior
Property Number: 61201530018
Status: Excess
Directions: Q–0000523A&B JF AS
Comments: contaminated with chlordane at significant levels that would make remediation not feasible.
Reasons: Contamination

JF AS Alley Spring Office
Ozark National Scenic Riverways
Eminence MO 65466
Landholding Agency: Interior
Property Number: 61201530019
Status: Excess
Directions: Space 508
Comments: structure in poor condition; concrete foundation has large crack; asbestos.
Reasons: Extensive deterioration

Montana

Garage (Fairview) Infra. #2626
LAT: 48.35474000
LONG: 115.0379400
Horse Hill Loop MT
Landholding Agency: Agriculture
Property Number: 15201530002
Status: Excess
Comments: documented deficiencies: much of the roof materials are missing & majority of wood frame is rotten; represents a clear threat to personal physical safety.
Reasons: Extensive deterioration

New Mexico

Sandia National Laboratories
9925C and 9925K
Albuquerque NM 87123
Landholding Agency: Energy
Property Number: 41201530003
Status: Excess
Directions: 9925C, 9925K
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

New York

Building 35
Naval Submarine Base New London
Hempstead NY 11530
Landholding Agency: Navy
Property Number: 77201520034
Status: Excess
Comments: doc. deficiencies; doc. provided represents a clear threat to personal physical safety Roof & ext. in heightened disrepair & extremely poor cond.; not structurally sound; oil stains; hazardous mats.
Reasons: Extensive deterioration

3 Buildings
Stewart Air National Guard Base
700 Aviation Avenue
New Windsor NY
Landholding Agency: Navy
Property Number: 77201530015
Status: Underutilized
Directions: Buildings 801, 807, 811
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Virginia

3 Buildings
Richmond National Battlefield Park
Richmond VA 23231
Landholding Agency: Interior
Property Number: 61201530002
Status: Excess
Directions: Tract 04–109; Donley House; Donley Barn; Donley Garage
Comments: structure has extensive deterioration; structurally unsound; windows broken; roof damage; foundation in poor condition; public safety hazard.
Reasons: Extensive deterioration

Tract 01–126 Nolte House
Richmond National Battlefield Park
Richmond VA 23111
Landholding Agency: Interior
Property Number: 61201530003
Status: Excess
Comments: structural damage including the roof from falling trees; mold; asbestos.
Reasons: Extensive deterioration

Tract #421–15, Gutlands Shed
Appalachian National Scenic Trail
Front Royal VA 22630
Landholding Agency: Interior
Property Number: 61201530006
Status: Excess
Comments: structure unsound; unsafe to enter; partially collapsed; wetlands.
Reasons: Extensive deterioration

Tract #422–20 Tabler Shed
Appalachian National Scenic Trail
Front Royal VA 22630
Landholding Agency: Interior
Property Number: 61201530007
Status: Excess
Comments: structurally unsound; roof & foundation collapsed.
Reasons: Extensive deterioration

4 Buildings
Appalachian National Scenic Trail
Sugar Grove VA 24375
Landholding Agency: Interior
Property Number: 61201530009
Status: Excess
Directions: Tract# J–1534 Henegar House; Outbuilding #1; Outbuilding #2; Outbuilding #3
Comments: buildings in a state of collapse; roofs & walls already given away.
Reasons: Extensive deterioration

Tract #420–06, United Financial
Appalachian National Scenic Trail
Linden VA 22642
Landholding Agency: Interior
Property Number: 61201530011
Status: Excess
Comments: structurally unsound; unsafe to enter; in danger of collapsing; floors & roof completely collapsed.
Reasons: Extensive deterioration

Tract 01–124 Wiseman House
6066 Cold Harbor Road
Mechanicsville VA 23111
Landholding Agency: Interior
Property Number: 61201530012
Status: Excess
Comments: structurally unsound; foundation in poor condition; roof damaged; attempted moving will result in collapsing.
Reasons: Extensive deterioration

Hdqts. Backcountry

Office Trailer
Shenandoah National Park
Luray VA 22835
Landholding Agency: Interior
Property Number: 61201530015
Status: Excess
Comments: documented deficiencies: structurally unsound extremely unsafe to move; floor rotten; clear threat to physical safety
Reasons: Extensive deterioration

Land

California

46.8 Acres
Naval Base Ventura County
Port Hueneme CA
Landholding Agency: Navy
Property Number: 77201530013
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

[FR Doc. 2015–19857 Filed 8–13–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2015–N135: FXRS126309WHHC0–FF09R81000–156]

Wildlife and Hunting Heritage Conservation Council; Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a public meeting of the Wildlife and Hunting Heritage Conservation Council (Council). The Council provides advice about wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, the sporting conservation organizations, the States, Native American tribes, and the Federal Government; and benefit recreational hunting.

DATES: *Meeting:* Tuesday September 1, 2015, from 8 a.m. to 4:30 p.m., and Wednesday September 2, 2015, from 8 a.m. to 1 p.m. (Eastern daylight time). For deadlines and directions on registering to attend, submitting written material, and giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held in Room 104A at the USDA Whitten Building, 12th Street and Jefferson Drive SW., Washington DC 20250.

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Designated Federal Officer, U.S. Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone (703) 358–2639; or email *joshua_winchell@fws.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that Wildlife and Hunting Heritage Conservation Council will hold a meeting.

Background

Formed in February 2010, the Council provides advice about wildlife and habitat conservation endeavors that:

1. Benefit wildlife resources;
2. Encourage partnership among the public, the sporting conservation organizations, the states, Native American tribes, and the Federal Government; and
3. Benefit recreational hunting.

The Council advises the Secretary of the Interior and the Secretary of Agriculture, reporting through the Director, U.S. Fish and Wildlife Service (Service), in consultation with the Director, Bureau of Land Management (BLM); Director, National Park Service (NPS); Chief, Forest Service (USFS); Chief, Natural Resources Conservation Service (NRCS); and Administrator, Farm Services Agency (FSA). The Council's duties are strictly advisory and consist of, but are not limited to, providing recommendations for:

1. Implementing the Recreational Hunting and Wildlife Resource Conservation Plan—A Ten-Year Plan for Implementation;
2. Increasing public awareness of and support for the Wildlife Restoration Program;
3. Fostering wildlife and habitat conservation and ethics in hunting and shooting sports recreation;
4. Stimulating sportsmen and women's participation in conservation and management of wildlife and habitat resources through outreach and education;
5. Fostering communication and coordination among State, tribal, and Federal governments; industry; hunting and shooting sportsmen and women; wildlife and habitat conservation and management organizations; and the public;
6. Providing appropriate access to Federal lands for recreational shooting and hunting;
7. Providing recommendations to improve implementation of Federal conservation programs that benefit wildlife, hunting, and outdoor recreation on private lands; and
8. When requested by the Designated Federal Officer in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups.

Background information on the Council is available at *http://www.fws.gov/whhcc.*

Meeting Agenda

The Council will convene to consider issues including:

1. Federal lands divestitures;
2. Wild horse and burro management;
3. National Bobwhite Conservation Initiative; and
4. Other Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/whhcc.*

Public Input

If you wish to	You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	August 19, 2015.
Submit written information or questions before the meeting for the council to consider during the meeting	August 19, 2015.
Give an oral presentation during the meeting	August 19, 2015.

Attendance

To attend this meeting, register by close of business on the dates listed in ''Public Input'' under **SUPPLEMENTARY INFORMATION.** Please submit your name, time of arrival, email address, and phone number to the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. Written statements must be received by the date above, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Coordinator up to 30 days subsequent to the meeting.

Meeting Minutes

Summary minutes of the conference will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**). They will be available for public inspection within 90 days of the meeting, and will be posted on the Council's Web site at *http://www.fws.gov/whhcc.*

Dated: July 20, 2015.

Stephen Guertin,

Deputy Director.

[FR Doc. 2015–20028 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R7–ES–2014–0060; FF07CAMM00 FXES11130700000]

Draft Polar Bear Conservation Management Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that the comment period on the draft Polar Bear Conservation Management Plan will be extended an additional 30 days. Since we announced the availability of the draft plan, we have seen significant public interest and have received a request from the State of Alaska for an extension of time to allow for public input.

DATES: To ensure consideration of your comments in our preparation of the final plan, we must receive your comments and information by September 19, 2015.

ADDRESSES: *Document availability:* The draft Polar Bear Plan is available for viewing at *http://www.fws.gov/alaska/pbrt/* or at *www.regulations.gov* at Docket No. FWS–R7–ES–2014–0060.

Comment submission: You may submit comments on the draft Polar Bear Plan by one of the following methods:

- *U.S. mail or hand-delivery:* Public Comments Processing, ATTN: FWS–R7–ES–2014–0060, U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803; or
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R7–ES–2014–0060.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, Chief, Marine Mammals Management, by telephone at 907–786–3800; by U.S. mail at Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503; or by email at *mary_colligan@fws.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In a final rule published in the **Federal Register** on May 15, 2008 (73 FR 28212), we, the U.S. Fish and Wildlife Service, listed the polar bear (*Ursus maritimus*) as a threatened species under the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 *et seq.*). In the July 6, 2015, **Federal Register** (80 FR 38458), we announced the availability of a draft Polar Bear Conservation Management Plan, which is designed to meet the recovery requirements of the ESA as well as the conservation management goals of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*). We are currently soliciting public comment on this draft plan.

Since we announced the availability of the draft plan, we have seen significant public interest and have received a request from the State of Alaska for an extension of time to allow for public input. Providing additional time for full consideration of the objectives for conserving the polar bear is important to our overall management effort. Therefore, we extend the current 45-day comment period by an additional 30 days. All comments received by the date specified in **DATES** will be considered prior to approval of this plan.

For a description of the polar bear, taxonomy, distribution, status, breeding biology and habitat, and a summary of factors affecting the species, please see the final listing rule (73 FR 28212, May 15, 2008). For information regarding the draft plan, please see the July 6, 2015, notice of availability (80 FR 38458).

Authority

We publish this notice under ESA section 4(f) (16 U.S.C. 1533(f).

Dated: July 31, 2015.

Karen P. Clark,

Acting Regional Director, Alaska Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–20059 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2015–N086; 40120–1112–0000–F2]

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

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) prohibits activities with listed species unless a Federal permit is issued

that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given below by *September 14, 2015.*

ADDRESSES: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: James Gruhala, Permit Coordinator).

FOR FURTHER INFORMATION CONTACT: James Gruhala, 10(a)(1)(A) Permit Coordinator, telephone 404–679–7097; facsimile 404–679–7081.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to *permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or other personal identifying information in your comments, 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit Applications

Permit Application Number: TE 125557–2

Applicant: Barbara Allen, Mobile, Alabama

The applicant requests renewal of her current permit to take (monitor, excavate, temporarily retain nestlings, release nestlings) green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempi*), and loggerhead (*Caretta caretta*) sea turtles for the purpose of monitoring and protecting nests in Mobile and Baldwin Counties, Alabama.

Permit Application Number: TE 68773B

Applicant: Olivia Munzer, Cardno, Inc., Raleigh, North Carolina

The applicant requests a permit to take (mist-net, harp trap, handle, band, and outfit with radio transmitters) Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*) and the Florida bonneted bat (*Eumops floridanus*) for the purpose of conducting presence/absence surveys throughout the species respective range.

Permit Application Number: TE 079863–3

Applicant: Michael Gangloff, Boone, North Carolina

The applicant requests renewal of his current permit to take (hand collecting via wading and snorkeling, handle, non-lethal tissue clipping, releasing and translocating) 93 federally listed mollusks for the purpose of presence and absence surveys in the states of Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Caroline, Tennessee, and Virginia.

Permit Application Number: TE 088035–1

Applicant: Hilary Swain, Archibald Expeditions, Venus, Florida

The applicant requests renewal of her current permit to take (destroy, remove, harass, restore, and research) the endangered Florida perforate cladonia (*Cladonia perforata*), scrub mint (*Dicerandra frutescens*), snakeroot (*Eryngium cunefolium*), Highland's scrub hypericum (*Hypericum cumulicola*), scrub blazingstar (*Liatris ohlingerae*), Britton's beargrass (*Nolina brittoniana*), wireweed (*Polygonella basiramia*), sandlace (*Polygonella myriophylla*), scrub plum (*Prunus geniculata*), Carter's mustard (*Warea carteri*), pigeon wings (*Clitoria fragrans*), scrub buckwheat (*Eriogonum longifolium gnaphalifolium*), and papery whitlow-wort (*Paronychia chartacea*) for the purpose of conducting prescribed burns for habitiat management, in the state of Florida.

Permit Application Number: TE 69912B–0

Applicant: John Mikos, Biotech Consulting Inc., Orlando, Florida

The applicant requests a permit to take (capture with live traps, handle, identify, and release) the federally listed Southeastern beach mouse (*Peromyscus polionolus niveiventris*), Perdido Key Beach Mouse (*Peromyscus polionotus trissyllepsis*), Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*), and Anastasia Island beach mouse (*Peromyscus polioinotus phasma*) for the purpose of conducting presence/absence surveys in the state of Florida.

Permit Application Number: TE 040792–4

Applicant: Thomas Mims, United States Forest Service, New Ellenton, South Carolina

The applicant requests a permit to take (translocate, capture, mark, band, and monitor populations and nest cavities) the federally endangered red-cockaded woodpecker (*Picoides borealis*) for the purpose of attaining a viable population of the species in the states of Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Dated: August 7, 2015.

Leopoldo Miranda,

Assistant Regional Director—Ecological Services, Southeast Region.

[FR Doc. 2015–20061 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15.WB12.C25A1.00]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a new information collection, Alaska Beak Deformity Observations.

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.

DATES: To ensure that your comments are considered, we must receive them on or before October 13, 2015.

ADDRESSES: You may submit comments 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) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–NEW, Alaska Beak Deformity Observations' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Colleen Handel, Research Wildlife Biologist at (907) 786–7181 or *cmhandel@usgs.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

As part of the USGS Ecosystems mission to assess the status and trends of the Nation's biological resources, the Alaska Science Center Landbird Program conducts research on avian populations within Alaska. Beginning in the late 1990s, an outbreak of beak deformities in Black-capped Chickadees emerged in southcentral Alaska. USGS scientists launched a study to understand the scope of this problem and its effect on wild birds. Since that time, researchers have gathered important information about the deformities but their cause still remains unknown. The collection of PII is requested as part of this ongoing research in resident Alaskan birds. Members of the public provide observation reports of birds with deformities from around Alaska and other regions of North America. These reports are very important in that they allow researchers to determine the geographical distribution and species affected. Data collection over such a large and remote area would not be possible without the public's assistance. As part of the online reporting system, an individual's phone number, email address, and mailing address are requested. This information allows researchers to request additional details or verify reports if necessary but is not required for submission. PII is used only for contact purposes, is stored in a separate table that is encrypted, and is not shared in any way with other individuals, groups, or organizations.

II. Data

OMB Control Number: 1028–NEW.

Title: Alaska Beak Deformity Observations.

Type of Request: An existing collection without OMB approval.

Affected Public: General Public.

Respondent's Obligation: None. Participation is voluntary.

Frequency of Collection: Average four observations a week.

Estimated Annual Number of Respondents: 100.

Estimated Total Number of Annual Responses: 208.

Estimated Time per Response: Approximately 5 minutes.

Estimated Annual Burden Hours: 16 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: None.

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

We are soliciting comments as to: (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) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Mark Shasby,

Alaska Science Center Director.

[FR Doc. 2015–20125 Filed 8–13–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compacts taking effect.

SUMMARY: This notice publishes the Indian Gaming Compact between the State of New Mexico and the Pueblo of Zuni governing Class III gaming (Compact) taking effect.

DATES: *Effective date:* August 14, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Secretary took no action on the Compact within 45 days of its submission. Therefore, the Compact is considered to have been approved, but only to the extent the Compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: August 6, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–19969 Filed 8–13–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO260000.L10600000.PC0000.LXSIADVSBD00]

Call for Nominations for the Wild Horse and Burro Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit public nominations for three positions on the Wild Horse and Burro Advisory Board (Board). The Board provides advice concerning the management, protection, and control of

wild free-roaming horses and burros on public lands administered by the Department of the Interior through the Bureau of Land Management (BLM), and by the Department of Agriculture through the U.S. Forest Service.

DATES: Nominations must be post marked or submitted to the address listed below no later than September 28, 2015.

ADDRESSES: All mail sent via the U.S. Postal Service should be addressed as follows: Division of Wild Horses and Burros, U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134 LM, Attn: Sarah Bohl, WO–260, Washington, DC 20240. All mail and packages that are sent via FedEx or UPS should be addressed as follows: Division of Wild Horses and Burros, U.S. Department of the Interior, Bureau of Land Management, 20 M Street SE., Room 2134 LM, Attn: Sarah Bohl, Washington, DC 20003. You may also send a fax to Sarah Bohl at 202–912–7182, or email her at *stbohl@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Bohl, Wild Horse and Burro Program Specialist, 202–912–7263. 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. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Members of the Board serve without compensation. However, while away from their homes or regular places of business, Board and subcommittee members engaged in Board or subcommittee business approved by the Designated Federal Official (DFO) may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5 of the United States Code. Nominations for a term of 3 years are needed to represent the following categories of interest:

Humane Advocacy Groups
Wildlife Management Organizations
Livestock Management Organizations

The Board will meet one to four times annually. The DFO may call additional meetings in connection with special needs for advice. Individuals may nominate themselves or others. Any individual or organization may nominate one or more persons to serve on the Board. Nominations will not be accepted without a complete resume. The following information must accompany all nominations for the individual to be considered for a position:

1. The position(s) for which the individual wishes to be considered;
2. The individual's first, middle, and last names;
3. Business address and phone number;
4. Home address and phone number;
5. Email address;
6. Present occupation/title and employer;
7. Education: (Colleges, degrees, major field(s) of study);
8. Career Highlights: Significant related experience, civic and professional activities, elected offices (include prior advisory committee experience or career achievements related to the interest to be represented). Attach additional pages, if necessary;
9. Qualifications: Education, training, and experience that qualify you to serve on the Board;
10. Experience or knowledge of wild horse and burro management;
11. Experience or knowledge of horses or burros (equine health, training, and management);
12. Experience in working with disparate groups to achieve collaborative solutions (*e.g.,* civic organizations, planning commissions, school boards, etc.);
13. Identification of any BLM permits, leases, or licenses held by the individual or his or her employer;
14. Indication of whether the individual is a federally registered lobbyist; and
15. Explanation of interest in serving on the Board.

At least one letter of reference sent from special interests or organizations the individual may represent, including, but not limited to, business associates, friends, co-workers, local, State, and/or Federal government representatives, or members of Congress should be included along with any other information that is relevant to the individual's qualifications.

As appropriate, certain Board members may be appointed as special government employees. Special government employees serve on the Board without compensation, and are subject to financial disclosure requirements in the Ethics in Government Act and 5 CFR 2634. Nominations are to be sent to the address listed under **ADDRESSES** above.

Privacy Act Statement: The authority to request this information is contained in 5 U.S.C. 301, the Federal Advisory Committee Act (FACA), and 43 CFR part 1784. The appointment officer uses this information to determine education, training, and experience related to possible service on a BLM advisory council. If you are appointed as an advisor, the information will be retained by the appointing official for as long as you serve. Otherwise, it will be destroyed 2 years after termination of your membership or returned (if requested) following announcement of the Board's appointments. Submittal of this information is voluntary. However, failure to complete any or all items will inhibit fair evaluation of your qualifications, and could result in you not receiving full consideration for appointment.

Membership Selection: Individuals shall qualify to serve on the Board because of their education, training, or experience that enables them to give informed and objective advice regarding the interest they represent. They should demonstrate experience or knowledge of the area of their expertise and a commitment to collaborate in seeking solutions to resource management issues. The Board is structured to provide fair membership and balance, both geographic and interest specific, in terms of the functions to be performed and points of view to be represented. Members are selected with the objective of providing representative counsel and advice about public land and resource planning. No person is to be denied an opportunity to serve because of race, age, sex, religion, or national origin. The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all FACA and non-FACA boards, committees or councils. Pursuant to section 7 of the Wild Free-Roaming Horses and Burros Act, members of the Board cannot be employed by either Federal or State governments.

Authority: 43 CFR 1784.4–1.

Amy Lueders,

Acting Assistant Director, Resources and Planning.

[FR Doc. 2015–20080 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORP00000.L14400000.DU0000. 15XL1116AF. HAG15-0187]

Notice of Intent to Prepare a Resource Management Plan Amendment and Associated Environmental Assessment for the Brothers/La Pine Planning Area in the Prineville District Office, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Prineville District Office, Prineville, Oregon, intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Assessment (EA) in order to analyze the plan level decision to change the land tenure classification of approximately 18 acres. The legal description of the affected public lands includes the BLM lands listed below:

Willamette Meridian, Oregon

T. 16 S., R. 18E., the N1/2 of the N1/2 of the NE1/4 of the SE1/4 of the NW 1/4 of section 8; the NW1/4 of the SE1/4 of the NW 1/4 of section 8; and the N1/2 of the SW1/4 of the SE1/4 of the NW1/4 of section 8, from Zone 1 (Retention) to Zone 3 (Suitable for Disposal), and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues. The BLM intends to concurrently analyze a trespass resolution strategy for an unintentional occupancy developed on a portion of the 18 acres in 1995. The trespass consists of a 2,500 square-foot log home, two barns, greenhouse, windmill, and a buried pipeline that transports water from a spring on private land to a water storage tank. The strategy will consider a range of alternatives including the direct sale of the entire 18 acres and issuance of a right-of-way via an existing driveway, to the removal of all structures and rehabilitation of any disturbed sites.

DATES: This notice initiates the public scoping process for the RMP amendment with associated EA. Comments on issues may be submitted in writing until September 14, 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, Prineville District Web site at: *http://www.blm.gov/or/districts/prineville/index.php.* 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. The District will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to the Direct Public Land Sale and Land Tenure Classification Plan Amendment EA by any of the following methods:

- Web site: *http://www.blm.gov/or/districts/prineville/index.php*
- Email: *BLM_OR_PR_Front_Desk@blm.gov*
- Fax: 1–541–416–6782
- Mail: Direct Public Land Sale and Land Tenure Classification Plan Amendment EA, 3050 NE. 3rd Street, Prineville, OR 97754

Documents pertinent to this proposal may be examined at the Prineville District Office, 3050 NE. 3rd Street, Prineville, OR 97754.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Susie Manezes, Assistant Field Manager, telephone 1–541–416–6725; address Susie Manezes, 3050 NE. 3rd Street, Prineville, OR 97754; email *smanezes@blm.gov.* Persons who use a telecom-munications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM District Office, Prineville, Oregon, intends to prepare an RMP amendment with an associated EA for the Brothers/La Pine planning area, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The affected portion of the Brothers/La Pine planning area is an approximately 18-acre contiguous parcel of land located in Crook County in Oregon as follows:

Willamette Meridian, Oregon: T. 16 S., R. 18 E., the N1/2 of the N1/2 of the NE1/4 of the SE1/4 of the NW 1/4 of section 8; the NW1/4 of the SE1/4 of the NW 1/4 of section 8; and the N1/2 of the SW1/4 of the SE1/4 of the NW1/4 of section 8.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, state, and local agencies; and other stakeholders. The issues include: how would the proposed change in land tenure classification and an associated direct sale of 18 acres of public land along with the issuance of a road use right-of-way affect sage-grouse; and, how would the proposed land tenure classification change affect Native American spiritual and traditional uses. Preliminary planning criteria include: the plan will be completed in compliance with FLPMA, NEPA, and all other relevant Federal law, Executive orders, and management policies of the BLM; where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new amendment; the plan will recognize valid existing rights; and Native American tribal consultations will be conducted in accordance with policy and tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets. You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them 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 or within 15 days after the last public meeting, whichever is later.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The BLM will consult with Indian tribes on a government-to-government basis in accordance with E. O. 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 action that the BLM is evaluating, 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 minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. 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 EA 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 plan. 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 plan 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: rangeland management, minerals and geology, outdoor recreation, visual resource management, archeology, paleontology, wildlife, botany, lands and realty, hydrology, soils, sociology and economics.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Carol Benkosky,

Prineville District Manager.

[FR Doc. 2015–20060 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL01000. L51100000.GN0000. LVEMF1501180 241A; MO# 4500069201]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Bald Mountain Mine North and South Operations Area Projects, White Pine County, NV

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Egan Field Office, Ely, Nevada has prepared a Draft Environmental Impact Statement (EIS) for the proposed Bald Mountain Mine North and South Operations Area Projects (Project) and by this notice is announcing the opening of the comment period.

DATES: To ensure comments will be considered, the BLM must receive written comments on the Bald Mountain Mine North and South Operations Area Projects Draft EIS within 45 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The BLM will announce any public meetings or other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Bald Mountain Mine North and South Operations Area Projects Draft EIS by any of the following methods:

- Email: *BLM_NV_EYDO_Barrick_Bald_EIS@blm.gov*.
- Fax: 775–289–1910.
- Mail: BLM Ely District, Egan Field Office, HC 33 Box 33500, Ely, NV 89301.

Copies of the Bald Mountain Mine North and South Operations Area Projects Draft EIS are available in the Ely District Office at the above address and on the Ely District's Web page at *http://www.blm.gov/nv/st/en/fo/ely_field_office/blm_programs/minerals/mining_projects/bald_mountain_mine0.html*.

FOR FURTHER INFORMATION CONTACT: For further information contact Miles Kreidler, Project Lead, telephone: 509–536–1222; address: 702 North Industrial Way, Ely, NV 89301; email: *mkreidler@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Barrick Gold U.S. Inc. (Barrick) proposes to expand, construct, and operate an open-pit gold mining operation located in the Bald Mountain Mining District in White Pine County, Nevada, approximately 65 miles northwest of the Town of Ely. The proposed development and expansion would create an additional 6,891 acres of disturbance, which would be located primarily on public land managed by the BLM. The projected mining period is 21 years, but the life of the mine would extend for 80 years, including construction, operation, reclamation, closure, reclamation monitoring, and post-closure monitoring.

The Draft EIS describes and analyzes the proposed project site-specific impacts (including cumulative) on all affected resources. The DEIS describes four alternatives: approval of the project as proposed by Barrick (the Proposed Action), the North and South Operations Area Facilities Reconfiguration Alternative, the Western Redbird Modification Alternative, and the No Action Alternative. The North and South Operations Area Facilities Reconfiguration Alternative was developed to address potential impacts to mule deer migration; greater sage-grouse leks and associated Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH); visual impacts affecting the cultural setting of the Pony Express National Historic Trail, Ruby Valley Pony Express Station, and Fort Ruby National Historic Landmark; and visual impacts affecting visitor aesthetics at the Ruby Lake National Wildlife Refuge. The North and South Operations Area Facilities Reconfiguration Alternative would result in a decrease of 3703 acres (−54 percent) of disturbance compared to the Proposed Action. The Western Redbird Modification Alternative was developed to further address potential impacts to mule deer migration and would result in a decrease of 4,339 acres (−63 percent) of disturbance compared to the Proposed Action. Several other alternatives were considered but eliminated from further analysis. These alternatives eliminated from further consideration are discussed in Chapter 2 of the Draft EIS. Mitigation measures are considered to minimize environmental impacts and to assure the Proposed Action does not result in unnecessary or undue degradation of public lands.

On April 16, 2012, a Notice of Intent was published in the **Federal Register** inviting scoping comments on the Proposed Action. A legal notice was prepared by the BLM and published in the Elko *Daily Free Press,* Ely *Times,* Eureka *Sentinel,* and Reno *Gazette-Journal* informing the public of the BLM's intention to prepare the Bald Mountain Mine North and South Operations Area Projects EIS. Public scoping meetings were held May 7–10 in Ely, Eureka, Elko, and Reno, Nevada. A total of 25 comment submittals containing 180 individual comments were received. The comments are

incorporated in a Scoping Report and were considered in the preparation of this Draft EIS.

Concerns raised during scoping include: potential degradation of surface water or groundwater quality and potential depletion to groundwater from pit lakes and/or water withdrawals for mine operations; potential impacts to mule deer habitat and migration corridors; potential impacts to greater sage-grouse habitat and strutting grounds; potential impacts to Wild Horse Herd Management Areas (HMAs), including herd access to surface water sources; potential air quality impacts from fugitive dust containing mercury, arsenic, or other contaminants; and potential impacts to visual resources including the visual setting of the Pony Express Trail and the Ruby Lake National Wildlife Refuge. The North and South Operations Area Facilities Reconfiguration Alternative was developed to help reduce impacts to mule deer, greater sage-grouse, and visual resources. The Western Redbird Modification Alternative was developed to help further reduce impacts to mule deer. Mitigation measures have also been included to show how impacts on resources could be minimized.

The BLM has prepared the Draft EIS in conjunction with its five Cooperating Agencies: Nevada Department of Wildlife, U.S. Fish and Wildlife Service, State of Nevada Sagebrush Ecosystem Program, Eureka County, and White Pine County.

Please note that public comments and information submitted, including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (7:30 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

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.

Authority: 40 CFR 1501 and 43 CFR 3809.

Jill A. Moore,

Field Manager, Egan Field Office.

[FR Doc. 2015–19924 Filed 8–13–15; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–15–025]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 18, 2015 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none
2. Minutes
3. Ratification List
4. Vote in Inv. No. 731–TA–1070A (Second Review) (Crepe Paper from China). The Commission is currently scheduled to complete and file its determination and views of the Commission on August 31, 2015.
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: August 11, 2015.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–20173 Filed 8–12–15; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number—1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection of Information; Beneficiary Referral Request

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs 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 of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 13, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Eugene Schneeberg, Director, Center for Faith-based & Neighborhood Partnerships, U.S. Department of Justice, Washington, DC 20531 (phone (202) 305–7462)).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Justice Programs, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* This is a new information collection, which requires the collection and identification of types of information that the Department does not currently collect.

2. *The Title of the Form/Collection:* Beneficiary Referral Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the Department of Justice is the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The proposed rule includes two new paperwork requirements for faith-based or religious organizations. The proposed rule would require faith-based or religious organizations to give beneficiaries (or prospective beneficiaries) notice informing them of their protections under the regulation. The proposed rule would also require

faith-based or religious organizations to make reasonable efforts to identify and refer beneficiaries requesting referrals to alternative service providers.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The Department acknowledges that estimating the number of faith-based or religious organizations that provide services or benefits under Department programs is challenging. To obtain this estimate, the Department relied upon information from two of its grantmaking components: The Office on Violence Against Women (OVW) and the Office of Justice Programs (OJP). OVW estimates that there are approximately 100 grantees and subgrantees that would have to provide the notice to beneficiaries. OJP estimates that there may be fewer than 50 grantees and subgrantees subject to the notice requirement, based on three years of information related to legal name, application for funding, and use of special conditions that is maintained in its Grants Management System. Accordingly, the Department estimates that the total number of organizations that must give notice will be equal to 150. It is further estimated, as stated below, the total hours per year for respondents to give notice is estimated to be 60.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 60 hours per year. It is estimated that respondents will take 1 minute to provide the notice. The burden hours for providing a beneficiary referral request was calculated as follows: (150 faith-based or religious organizations × 1/60 hour (the time needed to give the notice) × 12 per year (the number of annual requests for a referral) = 60 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: August 11, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–20162 Filed 8–13–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act, the Model Toxics Control Act, Clean Water Act, the Washington Water Pollution Control Act, and the Oil Pollution Act

On August 5, 2015, The United States of America filed a complaint and lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States of America, et al.* v. *Advance Ross Sub Company, et al.,* Civil Action 3:15-cv-05548, Dkt #'s 1–9.

The United States Department of Commerce, acting through NOAA; the United States Department of the Interior; the Washington Department of Ecology on behalf of the State of Washington; the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe (collectively, ''the Trustees'' and, individually, a ''Trustee''), under the authority of section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. 9607(f), section 1321(f)(5) of the Clean Water Act (CWA), section 1006(b) of the Oil Pollution Act (OPA), 33 U.S.C. 2706(b), and 40 CFR part 300, subpart G, of the Model Toxics Control Act (MTCA) and the Washington Water Pollution Control Act (WPCA), serve as trustees for natural resources for the assessment and recovery of damages for injury to, destruction of, or loss of natural resources under their trusteeship.

Investigations conducted by the United States Environmental Protection Agency (''EPA''), the Trustees, and others have detected hazardous substances in the sediments, soils and groundwater of the Commencement Bay environment, including but not limited to arsenic, antimony, cadmium, chromium, copper, mercury, nickel, lead, zinc, bis(2-ethylhexyl)-phthalate, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). The Trustees have documented the presence of over 23 hazardous substances in the marine sediments of Commencement Bay's Thea Foss and Wheeler-Osgood Waterways.

Plaintiffs have filed a complaint pursuant to section 107 of CERCLA, 42 U.S.C. 9607; MTCA, chapter 70.105D RCW; CWA, 33 U.S.C. 1251 *et seq.;* and OPA, 33 U.S.C. 2701 *et seq.,* seeking recovery from Defendants of damages for injury to, destruction of, and loss of natural resources resulting from releases of hazardous substances from the Thea Foss and Wheeler-Osgood waterway and into Commencement Bay, including the costs of assessing the damages.

The Trustees allege that Defendants each are the current or past owners and/or operators of facilities from which hazardous substances have been discharged to Commencement Bay. The Trustees further allege that those hazardous substances caused injury to, destruction of, and loss of natural resources, including fish, shellfish, invertebrates, birds, marine sediments, and resources of cultural significance.

Under the proposed settlement, the Defendants will fund and take responsibility for the development of a habitat restoration project on the White River; Monitor and adaptively manage the project for ten years to ensure stable acreage; preserve a portion of the Wheeler Osgood Waterway for use as a future habitat restoration project; pay $50,000 to fund Trustee oversight of the restoration projects; reimburse $833,705 in Trustees' assessment costs; and contribute $188,000 to the Trustees' permanent restoration site stewardship fund.

The publication of this notice opens a period for public comment on the Proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Advance Ross Sub Company et al. Aluminum Corporation,* Civil Action No. 3:15-cv-05548, D.J. Ref. No. 90–11–2–1049/16. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, D.C. 20044–7611

During the public comment period, the Proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $44.75 (25 cents per page

reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–19982 Filed 8–13–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for the Workforce Investment Act (WIA) Adult and Dislocated Worker Programs Gold Standard Evaluation (WIA Evaluation); Extension Request Without a Change to an Existing Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and displays a currently valid OMB control number, and the public is not required to respond to an information collection request unless it displays a currently valid OMB control number. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (see 5 CFR 1320.5(a) and 1320.6).

This information collection request is to obtain extended clearance for Mathematica Policy Research, under contract to ETA, to continue to administer a follow-up survey to WIA customers participating in the WIA Evaluation for an additional six months. The customers are being surveyed 30 months after they were randomly assigned.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before on or before October 13, 2015.

ADDRESSES: Send comments to Eileen Pederson, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave. NW., Room N–5641, Washington, DC 20210. Telephone number: (202) 693–3647 (this is not a toll-free number). Email address: *pederson.eileen@dol.gov.* Fax number: (202) 693–2766 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Passage of WIA (Pub. L. 105–220) led to a major redesign of the country's workforce system. WIA programs serve more than 6 million people annually at a cost of over $3 billion (U.S. Department of Labor, Fiscal Year 2012 Budget in Brief). Among its goals, WIA aims to bring formerly fragmented public and private employment services together in a single location within each community, make them accessible to a wider population than did prior employment services and training, empower customers with greater ability to choose from services and training options, and provide localities greater local flexibility in using funds and greater accountability for customers' employment outcomes. In July 2014, the Workforce Innovation and Opportunity Act of 2014 (WIOA) was signed into law, superseding the Workforce Investment Act of 1998. Although WIOA makes some important changes to the public workforce investment system, the Adult and Dislocated Worker programs continue to exist and offer job seekers a similar set of services. Lessons learned from the WIA Evaluation can inform policymakers and program administrators as WIOA is implemented.

Congress mandated in section 172 of the WIA legislation that the Secretary of Labor conduct at least one multi-site control group evaluation. Accordingly, the Department has undertaken the WIA Evaluation to provide rigorous, nationally representative estimates of the net-impacts of WIA intensive and training services. Intensive services involve substantial staff assistance and include assessments, counseling, and job placement. Training services include education and occupational skills building. This evaluation will offer policymakers, program administrators, and service providers information about the relative effectiveness of services, including training, how the effectiveness varies by target population, and how the services are provided. The study will also produce estimates of the benefits and costs of WIA intensive and training services. The Department contracted with Mathematica Policy Research and its subcontractors—Social Policy Research Associates, MDRC, and the Corporation for a Skilled Workforce—to conduct this evaluation.

Random assignment occurred in 28 randomly-selected Local Workforce Investment Areas (LWIAs) between November 2011 and April 2013. The length of the intake period was determined in consultation with the Local Workforce Investment Board and/or LWIA administrators. WIA customers who were eligible for intensive services were randomly assigned to one of three groups: (1) The full-WIA group—adults and dislocated workers in this group could receive any WIA service for which they are eligible; (2) the core-and-intensive group—adults and dislocated workers in this group could receive any WIA core and intensive services for which they are eligible, but not training; and (3) the core-only group—adults and dislocated workers in this group could receive only core services and no WIA intensive or training services. Customers who did not consent to participate in the study were allowed to receive core services only for the duration of the study intake period in the respective LWIA.

About 36,000 WIA adult and dislocated worker customers were randomly assigned to the evaluation—about 32,000 customers to the full-WIA group and about 2,000 customers to each of the restricted-service groups. All 4,000 members of the restricted-service groups and a random sample of 2,000 customers in the full-WIA group are being asked to complete two follow-up surveys.

The WIA Evaluation will address the following research questions:

1. Does access to WIA intensive services, alone or in conjunction with WIA-funded training, lead adults and dislocated workers to achieve better educational, employment, earnings, and self-sufficiency outcomes than they would achieve in the absence of access to those services?

2. Does the effectiveness of WIA vary by population subgroup? Is there variation by sex, age, race/ethnicity, unemployment insurance receipt, prior education level, previous employment history, adult and

dislocated worker status, and veteran and disability status?

3. How does the implementation of WIA vary by LWIA? Does the effectiveness of WIA vary by how it is implemented? To what extent do implementation differences explain variations in WIA's effectiveness?

4. Do the benefits from WIA intensive and training services exceed program costs? Do the benefits of intensive services exceed their costs? Do the benefits of training services exceed their costs? Do the benefits exceed the costs for adults? Do the benefits exceed the costs for dislocated workers?

An initial package for the WIA Evaluation, approved in September 2011 (OMB No. 1205–0482), requested clearance for the customer intake process which included: A form to check the study eligibility of the customer; a customer study consent form (indicating the customer's knowledge of the evaluation and willingness to participate); the collection of baseline data through a study registration form; and a contact information form. The package also included site visit guides for the collection of qualitative information on WIA program processes and services.

A second package, approved in January 2013 (OMB No. 1205–0504), requested clearance for the two follow-up surveys to be conducted at 15 and 30 months after random assignment, a cost data collection package consisting of three forms, and the Veterans' Supplemental Study consisting of qualitative and quantitative data to be collected at the 28 LWIAs participating in the WIA Evaluation.

In March 2015, a nonsubstantive change request was approved to modify the incentives used for both follow-up surveys approved under OMB No. 1205–0504.

This new request is to extend OMB clearance of the final 30-month follow-up survey administration (OMB No. 1205–0504), which will expire on January 31, 2016, for an additional six months, to July 31, 2016. This extension will allow additional time to locate sample members for administration of the survey. There are no revisions to the information collection forms or total respondent burden. This request does not include an extension to the 15-month follow-up survey, the cost data collection package, or the Veterans' Supplemental Study.

The 30-month follow-up survey collects data on study participants' receipt of services and study participant outcomes on attainment of education credentials, labor market success, and family self-sufficiency. The survey is administered by telephone to 6,000 study participants—all 2,000 members of each of the core-only and core-and-intensive groups and 2,000 randomly selected study participants in the full-WIA group. These data will be used to estimate the impacts of WIA intensive and training services.

II. Desired Focus of Comments

Currently, the Department is soliciting comments concerning the above data collection. Comments are requested which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; and
- Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

At this time, the Department is requesting clearance for a six-month extension of OMB clearance allowed to complete the WIA Evaluation's 30-month follow-up survey.

Type of Review: Extension without a change.

Title of Collection: WIA Adult and Dislocated Worker Programs Gold Standard Evaluation.

OMB Number: 1205–0504.

Affected Public: Low-income, disadvantaged adults and dislocated workers who have received services from American Job Centers (formerly One-Stop Career Centers).

Cite/Reference/Form/etc.: Workforce Investment Act of 1998, section 172 (Pub. L. 105–220) and Workforce Innovation and Opportunity Act, section 169 (Pub. L. 113–128).

AUNNAL BURDEN ESTIMATES FOR THE WIA EVALUATION 30–MONTH FOLLOW–UP SURVEY BETWEEN FEBRUARY 1, 2016 AND JULY 31, 2016

Activity	Number of respondents[1]	Responses per respondent	Average time per response	Total respondent burden (hours)
30-Month Follow-Up Survey	1,230	1	30 minutes	615

[1]Attempts will be made to complete interviews with 6,000 sample members in each wave of the follow-up survey. To achieve the targeted response rate of 82 percent, interviews will be completed with 4,920 sample members. The 30-Month follow-up survey will be fielded through July 31, 2016. We expect to have completed interviews with 3,690 sample members by January 31, 2016, when the current OMB clearance expires. We expect to complete 1,230 additional interviews between February 1 and July 31, 2016, the extension proposed in this request.

The 30-month follow-up survey will be administered once to each respondent. The survey is designed to take an average of 30 minutes to complete using computer-assisted telephone interviewing. Therefore, the total annual burden to conduct the 30-month follow-up survey is 1,230 hours ((4,920 interviews × 0.5 hours per interview) ÷ 2 years). This amount will not change with this extension request. However, the burden to conduct the 30-month follow-up survey during the six month extension period is a total of 615 hours (1,230 interviews × 0.5 hours per interview). The total estimated annual other cost burden for the six month extension period is $4,458.75 (1,230 interviews × 0.5 hours per interview × $7.25 per hour).

Comments submitted in response to this request will be summarized and/or included in the request for OMB approval; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–19928 Filed 8–13–15; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold twenty-two meetings of the Humanities Panel, a federal advisory committee, during September, 2015. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506. See Supplementary Information for meeting room numbers.

FOR FURTHER INFORMATION CONTACT: Lisette Voyatzis, Committee Management Officer, 400 7th Street SW., Room, 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.* Hearing-impaired individuals who prefer to contact us by phone may use NEH's TDD terminal at (202) 606–8282.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. DATE: September 1, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: P002.
This meeting will discuss applications for the Preservation and Access Education and Training grant program, submitted to the Division of Preservation and Access.

2. DATE: September 1, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subjects of Europe and the Middle East for the Bridging Cultures through Film grant program, submitted to the Division of Public Programs.

3. DATE: September 2, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 2002.
This meeting will discuss applications on the subject of the Americas for the Bridging Cultures through Film grant program, submitted to the Division of Public Programs.

4. DATE: September 2, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subjects of Literature and Art for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

5. DATE: September 2, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: Virtual Meeting.
This meeting will discuss applications on the subjects of Archaeology and Anthropology for the Research and Development grant program, submitted to the Division of Preservation and Access.

6. DATE: September 3, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of Ethnic Studies for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

7. DATE: September 3, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: P002.
This meeting will discuss applications on the subjects of Media and Digital Preservation for the Research and Development grant program, submitted to the Division of Preservation and Access.

8. DATE: September 4, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: Virtual Meeting.
This meeting will discuss applications on the subject of Conservation for the Research and Development grant program, submitted to the Division of Preservation and Access.

9. DATE: September 8, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: Conference Call.
This meeting will discuss applications for the Humanities Initiatives at Historically Black Colleges and Universities grant program, submitted to the Division of Education Programs.

10. DATE: September 9, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: Conference Call.
This meeting will discuss applications for the Humanities Initiatives at Hispanic-Serving Institutions, submitted to the Division of Education Programs.

11. DATE: September 9, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 2002.
This meeting will discuss applications on the subjects of Africa and Asia for the Bridging Cultures through Film grant program, submitted to the Division of Public Programs.

12. DATE: September 9, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of U.S. History and Culture for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

13. DATE: September 10, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: Conference Call.
This meeting will discuss applications for the Humanities Initiatives at Historically Black Colleges and Universities, submitted to the Division of Education Programs.

14. DATE: September 10, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of U.S. History and Culture for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

15. DATE: September 11, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of World History and Culture for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

16. DATE: September 15, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of U.S. History and Culture for Digital Projects for the Public: Production Grants, submitted to the Division of Public Programs.

17. DATE: September 16, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subjects of Race and Immigration for the Humanities in the Public Square grant program, submitted to the Division of Public Programs.

18. DATE: September 17, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subject of Science and the Humanities for the Humanities in the Public Square grant program, submitted to the Division of Public Programs.

19. DATE: September 18, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.
This meeting will discuss applications on the subjects of Art and Literature for the Humanities in the Public Square grant program, submitted to the Division of Public Programs.

20. DATE: September 21, 2015.

TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.

This meeting will discuss applications on the subject of Civic Engagement for the Humanities in the Public Square grant program, submitted to the Division of Public Programs.

21. DATE: September 24, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 4002.

This meeting will discuss applications on the subject of Local History for the Humanities in the Public Square grant program, submitted to the Division of Public Programs.

22. DATE: September 29, 2015.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: P002.

This meeting will discuss applications for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated July 19, 1993.

Dated: August 11, 2015.

Lisette Voyatzis,

Committee Management Officer.

[FR Doc. 2015–20144 Filed 8–13–15; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts and Artifacts Indemnity Panel Advisory Committee

AGENCY: Federal Council on the Arts and the Humanities, National Endowment for the Humanities

ACTION: Notice of meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts Domestic Indemnity Panel during September, 2015.

DATES: The meeting will be held on Tuesday, September 1, 2015, from 1:00 p.m. to 4:00 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Lisette Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506, or call (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the National Endowment for the Humanities' TDD terminal at (202) 606–8282.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after October 1, 2015. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified, and the methods of transportation and security measures confidential, I have determined that that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993.

Dated: August 11, 2015.

Lisette Voyatzis,

Committee Management Officer.

[FR Doc. 2015–20145 Filed 8–13–15; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of a **CHANGE** in the scheduling of a meeting of the Committee on Education and Human Resources (CEH) for the transaction of National Science Board business, as shown below. The original notice appeared in the **Federal Register** on Friday, August 7, 2015 at 80 FR 47528.

ORIGINAL DATE AND TIME: August 12, 2015 from 1:30 p.m. to 3:00 p.m. EDT.

NEW TIME: August 12, 2015 from 1:13 p.m. to 3:00 p.m. EDT

All other applicable information remains the same.

WEBCAST INFORMATION: Public meetings and public portions of meetings will be webcast. To view the meetings, go to *www.tvworldwide.com/events/nsf/150812* and follow the instructions.

Kyscha Slater-Williams,

Program Specialist, National Science Board.

[FR Doc. 2015–20236 Filed 8–12–15; 4:30 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson, Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4), and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: *http://www.nsf.gov/events/.* This information may also be requested by telephoning, 703/292–8687.

Dated: August 10, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015–19978 Filed 8–13–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0194]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from July 23, 2015, to August 5, 2015. The last biweekly notice was published on August 4, 2015.

DATES: Comments must be filed by September 17, 2015. A request for a hearing must be filed by October 19, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0194. 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: OWFN–12–H08, 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: Sandra Figueroa, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1262, email: *Sandra.Figueroa@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0194 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–2015–0194.

• *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 is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *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–2015–0194, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions

should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3 (ONS), Oconee County, South Carolina

Date of amendment request: June 23, 2015. A publicly-available version is in ADAMS under Accession No. ML15183A060.

Description of amendment request: The amendment would involve upgrading the ONS, Emergency Action Levels based on NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.'' Pursuant to 10 CFR part 50, appendix E, section IV.B, Duke Energy requested NRC approval of this proposed change to the ONS Emergency Plan prior to implementation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These changes affect the ONS Emergency Plan and do not alter the requirements of the Operating License or the Technical Specifications. The proposed changes do not modify plant equipment and do not impact failure modes that could lead to an accident. Additionally, the proposed changes do not impact the consequence of an analyzed accident since the changes do not affect equipment related to accident mitigation.

Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment [create the possibility of a new or different kind of accident from any accident previously evaluated]?

Response: No.

These changes affect the ONS Emergency Plan and do not alter the requirements of the Operating License or the Technical Specifications. They do not modify plant equipment and there is no impact on the capability of the existing equipment to perform their intended functions. No system setpoints are being modified and no changes are being made to the method in which plant operations are conducted. No new failure modes are introduced by the proposed changes. The proposed amendment does not introduce an accident initiator or malfunction that would cause a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

These changes affect the ONS Emergency Plan and do not alter the requirements of the Operating License or the Technical Specifications. The proposed changes do not affect the assumptions used in the accident analysis, nor do they affect the operability requirements for equipment important to plant safety.

Therefore, the proposed changes will not result in a significant reduction in the margin

of safety as defined in the bases for technical specifications covered in this license amendment request.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Robert J. Pascarelli.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324; Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina; Docket No. 50–400; Shearon Harris Nuclear Power Plant, Unit 1, Wake County, North Carolina; Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; and Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: June 24, 2015. A publicly-available version is in ADAMS under Accession No. ML15175A438.

Description of amendment request: The proposed change revises or adds Surveillance Requirements to verify that the system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances which permit performance of the verification. The changes are being made to address the concerns discussed in NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems'' (ADAMS Accession No. ML072910759). The proposed amendment references TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation'' (79 FR 2700; January 15, 2014).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirement(s) (SRs) that require verification that the Emergency Core Cooling System (ECCS), the Decay Heat Removal (DHR)/Residual Heat Removal (RHR) System, the Containment Spray/Reactor Building Spray System, and the Reactor Core Isolation Cooling (RCIC) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable to perform their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the DHR/RHR System, the Containment Spray/Reactor Building Spray System, and the RCIC System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the DHR/RHR System, the Containment Spray/Reactor Building Spray System, and the RCIC System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chiefs: Robert J. Pascarelli and Shana Helton.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2 (CPNPP), Somervell County, Texas

Date of amendment request: June 30, 2015. A publicly-available version is in ADAMS under Accession No. ML15191A175.

Description of amendment request: The amendment involves upgrading selected CPNPP Emergency Action Levels (EALs) based on Nuclear Energy Institute (NEI) 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' dated November 2012 (ADAMS Accession No. ML12326A805), using the guidance of NRC Regulatory Issue Summary 2003–18, Supplement 2, ''Use of NEI 99–01, Methodology for Development of EALs,'' dated December 12, 2005 (ADAMS Accession No. ML051450482).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These changes affect the CPNPP Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not modify any plant equipment and do not impact any failure modes that could lead to an accident. Additionally, the proposed changes do not impact the consequence of any analyzed accident since the changes do not affect any equipment related to accident mitigation.

Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

These changes affect the CPNPP Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. They do not modify any plant equipment and there is no impact on the capability of the existing equipment to perform their intended functions. No system setpoints are being modified and no changes are being made to the method in which plant operations are conducted. No new failure modes are introduced by the proposed changes. The proposed amendment does not introduce accident initiators or malfunctions that would cause a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

These changes affect the CPNPP Emergency Plan and do not alter any of the requirements of the Operating License or the Technical Specifications. The proposed changes do not affect any of the assumptions used in the accident analysis, nor do they affect any operability requirements for equipment important to plant safety.

Therefore, the proposed changes will not result in a significant reduction in the margin of safety as defined in the bases for technical specifications covered in this license amendment request.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: July 22, 2015. A publicly-available version is in ADAMS Accession No. ML15205A291.

Description of amendment request: The licensee proposes to revise Technical Specification Section 6.0, ''Administrative Controls'' by changing the ''Shift Supervisor'' title to ''Shift Manager.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the Technical Specifications (TS) regarding Shift Supervisor to Shift Manager are administrative changes. It has no impact on accident initiators or plant equipment and thus does not affect the probability or consequences of an accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a change to the physical plant or operations. This is an administrative title change that does not contribute to accident initiation. Therefore, it does not produce a new accident scenario or produce a new type of equipment malfunction.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Since the change is administrative and changes no previously evaluated accidents or creates no possibility for any new unevaluated accidents to occur, there is no reduction in the margin of safety. This change also does not affect plant equipment or operation and therefore does not affect safety limits or limiting safety systems settings.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Hagood Hamilton, Jr., South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Robert J. Pascarelli.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project (STP), Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 29, 2015, as supplemented by letter dated June 29, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15128A352 and ML15198A147, respectively.

Description of amendment request: The amendment would revise the Integrated Leak Rate Test performance interval from 10 years to 15 years in Technical Specification (TS) 3.8.3.j, ''Containment Leakage Rate Testing Program,'' in accordance with Nuclear Energy Institute 94–01, Revision 2A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, appendix J,'' dated October 2008 (ADAMS Accession No. ML100620847).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment to the TS involves the extension of the STP, Units 1 and 2 Type A containment test interval to 15 years. The current Type A test interval of 120 months (10 years) would be extended on a permanent basis to no longer than 15 years from the last Type A test. Extensions of up to nine months (total maximum interval of 189 months for Type A tests) are permissible only for non-routine emergent conditions. The proposed extension does not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment and the testing requirements invoked to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. The change in dose risk for changing the Type A test frequency from once-per-ten years to once-per-fifteen-years, measured as an increase to the total integrated dose risk for all internal events accident sequences for STP, of 0.123 person [roentgen equivalent man per year (rem/yr)] for Unit 1 and Unit 2 using the [Electric Power Research Institute (EPRI)] guidance with the base case corrosion included. Therefore, this proposed extension does not involve a significant increase in the probability of an accident previously evaluated.

As documented in NUREG–1493, [''Performance-Based Containment Leak-Test Program,'' dated January 1995] Type B and C tests have identified a very large percentage of containment leakage paths, and the percentage of containment leakage paths that are detected only by Type A testing is very small. The STP, Units 1 and 2 Type A test history supports this conclusion.

The integrity of the containment is subject to two types of failure mechanisms that can be categorized as: (1) Activity based, and; (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and

procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment combined with the containment inspections performed in accordance with ASME Section XI, the Maintenance Rule, and TS requirements serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by a Type A test. Based on the above, the proposed extensions do not significantly increase the consequences of an accident previously evaluated.

The proposed amendment also deletes exceptions previously granted to allow one-time extensions of the ILRT test frequency for both Units 1 and 2. These exceptions were for activities that have already taken place so their deletion is solely an administrative action that has no effect on any component and no impact on how the units are operated.

Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to the TS involves the extension of the STP, Unit 1 and 2 Type A containment test interval to 15 years. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

The proposed amendment also deletes exceptions previously granted to allow one-time extensions of the ILRT test frequency for both Units 1 and 2. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action that does not result in any change in how the units are operated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment to TS 6.8.3.j involves the extension of the STP, Units 1 and 2 Type A containment test interval to 15 years. This amendment does not alter the manner in which safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the TS Containment Leak Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained.

The proposed change involves only the extension of the interval between Type A containment leak rate tests for STP, Units 1 and 2. The proposed surveillance interval extension is bounded by the 15-year ILRT Interval currently authorized within NEI 94–01, Revision 2–A. Industry experience supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with [American Society for Mechanical Engineers (ASME) Boiler and Pressure Vessel Code,] Section Xl, TS and the Maintenance Rule serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by Type A testing. The combination of these factors ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by changes to the Type A and Type C test intervals.

The proposed amendment also deletes exceptions previously granted to allow one-time extensions of the ILRT test frequency for both Units 1 and 2. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action and does not change how the units are operated and maintained. Thus, there is no reduction in any margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

NRC Branch Chief: Michael T. Markley.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Susquehanna Nuclear, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station (SSES), Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: August 11, 2014, as supplemented by letters dated April 6, 2015, and July 16, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML14223A780, ML15097A386, and ML15197A256, respectively.

Brief description of amendment request: The amendment proposes changes to SSES, Units 1 and 2, Technical Specification 3.4.10, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' which includes revisions to the P/T Limits curves.

Date of publication of individual notice in ***Federal Register***: July 30, 2015 (80 FR 45559).

Expiration date of individual notice: August 31, 2015 (public comments); September 28, 2015 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has

prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2 (MPS2), New London County, Connecticut

Date of amendment request: June 30, 2014, as supplemented by letter dated January 29, 2015.

Brief description of amendment: The amendment revised the Technical Specifications (TSs) by adopting approved Technical Specification Task Force (TSTF) traveler TSTF–426, Revision 5, ''Revise or Add Actions to Preclude Entry into LCO 3.0.3—RITSTF Initiatives 6b and 6c,'' and providing a short completion time to restore an inoperable system for conditions under which the previous TS required a plant shutdown. The amendment also reformats each proposed MPS2 custom TS ACTION format to a two-column tabular format.

Date of issuance: July 29, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment No.: 321. A publicly-available version is in ADAMS under Accession No. ML15187A326; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–65: Amendment revised the Renewed Operating License and TSs.

Date of initial notice in ***Federal Register***: December 23, 2014 (79 FR 77044). The supplemental letter dated January 29, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 29, 2015.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–423, Millstone Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: November 6, 2013, as supplemented on November 14, 2014, and February 9, 2015.

Brief description of amendment: The amendment revised Technical Specification (TS) 3/4.5.4, ''Refueling Water Storage Tank,'' and TS 3/4.6.2.1, ''Depressurization and Cooling Systems, Containment Quench Spray System,'' to provide additional operational margin for control of the Refueling Water Storage Tank. The amendment also made a clarifying editorial change to the TS 3/4.5.4 action statement.

Date of issuance: July 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 12 days from the date of issuance.

Amendment No.: 262. A publicly-available version is in ADAMS under Accession No. ML15187A011; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–49: Amendment revised the Renewed Operating License and TSs.

Date of initial notice in ***Federal Register***: November 25, 2014 (79 FR 70212). The supplemental letters dated November 14, 2014, and February 9, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 27, 2015.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–423, Millstone Power Station, Unit, No. 3, New London County, Connecticut

Date of amendment request: August 19, 2014, as supplemented on January 26, 2015.

Brief description of amendment: The amendment revised Technical Specification (TS) 3/4.7.1.2, ''Auxiliary Feedwater System,'' Surveillance Requirement 4.7.1.2.1.b. by replacing the surveillance frequency and acceptance criteria for the Auxiliary Feedwater (AFW) pumps with a reference to the Inservice Testing Program (TS 4.0.5) for the specific pump testing acceptance criteria and the surveillance frequency. The amendment also added information on suitable plant conditions for performance of the steam turbine driven AFW pump surveillance.

Date of issuance: July 28, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment No.: 263. A publicly-available version is in ADAMS under Accession No. ML15187A186; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–49: Amendment revised the Renewed Operating License and TSs.

Date of initial notice in ***Federal Register***: May 26, 2015 (80 FR 30099).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No.

Duke Energy Progress, Inc., Docket Nos. 50–325, 50–324, 50–400, Brunswick Steam Electric Plant, Units 1 and 2 (Brunswick), and Shearon Harris Nuclear Power Plant, Unit 1 (Harris), Brunswick, Wake, and Chatham Counties, North Carolina

Date of amendment request: December 22, 2014, as supplemented by letters dated March 4, 2015; June 1, 2015; June 10, 2015; June 24, 2015; and July 29, 2015.

Brief description of amendments: By orders dated July 6, 2015, as published in the **Federal Register** on July 14, 2015 (80 FR 41095 and 80 FR 41097), the NRC approved direct license transfers for Brunswick and Harris. These amendments reflect the direct transfer of the licenses of the percent of ownership from North Carolina Eastern Municipal Power Agency to Duke Energy Progress, Inc., keeping Duke Energy as the sole owner and licensee.

Date of issuance: July 31, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 267 for Brunswick, Unit 1, 295 for Unit 2, and 147 for Harris, Unit 1. Publicly-available versions of the Brunswick and Harris amendments are in ADAMS under Accession No. ML15161A121, and the orders are in ADAMS under Accession Nos. ML15159A602 and ML15159A617, respectively. Documents related to these amendments are listed in the safety evaluation (SE) enclosed with the order dated July 6, 2015. Subsequent to the issuance of the orders, the licensee submitted a letter dated July 29, 2015

(ADAMS Accession No. ML15210A049). The letter provided additional notifications of regulatory approvals and the closing transaction date, as required by the order.

Renewed Facility Operating License Nos. DPR–71, DPR–62, and NPF–63: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notices in ***Federal Register***: April 21, 2015 (80 FR 22224 and 22228). The supplemental letters dated June 1, 2015; June 10, 2015; June 24, 2015; and July 29, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in an SE dated July 6, 2015 (ADAMS No. ML15159A632).

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: September 18, 2014.

Brief description of amendments: The amendments revise the Technical Specifications to define a new time limit for restoring inoperable Reactor Coolant System (RCS) leakage detection instrumentation to operable status and establish alternate methods of monitoring RCS leakage when one or more required monitors are inoperable in accordance with Technical Specifications Task Force Traveler 513, Revision 3, ''Revise Pressurized-Water Reactor Operability Requirements and Actions for Reactor Coolant System Leakage Instrumentation.''

Date of issuance: July 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment Nos.: 394 for Unit 1, 396 for Unit 2, and 395 for Unit 3. A publicly-available version is in ADAMS under Accession No. ML15170A055; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: The amendments revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: May 26, 2015 (80 FR 30100).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 27, 2015.

No significant hazards consideration comments received: No.

Entergy Gulf States Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1 (RBS), West Feliciana Parish, Louisiana

Date of amendment request: July 9, 2014, as supplemented by letters dated February 24, June 3, and July 16, 2015.

Brief description of amendment: The amendment revised the RBS Technical Specifications (TSs) Surveillance Requirements (SRs) related to the steady state voltage, frequency and test load limits for the emergency diesel generators Diesel Generator (DG) 1A, DG 1B and DG 1C. Specifically, the amendment revised the SR Acceptance Criteria Tolerance Band (ACTB) for TS SRs 3.8.1.2, 3.8.1.3, 3.8.1.7, 3.8.1.10, 3.8.1.11, 3.8.1.12, 3.8.1.14, 3.8.1.15, 3.8.1.19 and 3.8.1.20. The changes will lower the upper bound of the frequency SR ACTB, lower the upper bound of the voltage SR ACTB for DG 1A and DG 1B (existing DG 1C voltage SR ACTB is retained), and raise the lower bound of the test load SR ACTB.

Date of issuance: July 30, 2015.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 187. A publicly-available version is in ADAMS under Accession No. ML15187A127; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: November 12, 2014 (79 FR 67201). The supplements dated February 24, June 3, and July 16, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 1, 2014, as supplemented by letter dated February 2, 2015.

Brief description of amendment: The amendment relocated Technical Specification (TS) 3/4.9.6, ''Refueling Machine,'' and TS 3/4.9.7, ''Crane Travel—Fuel Handling Building,'' to the Technical Requirements Manual.

Date of issuance: July 29, 2015.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 243. A publicly-available version is in ADAMS under Accession No. ML15174A227; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–38: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** March 3, 2015 (80 FR 11475). The supplemental letter dated February 2, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 29, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. STN 50–456, STN 50–457 and 72–73, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454, STN 50–455 and 72–68, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–10, 50–237, 50–249 and 72–37, Dresden Nuclear Power Station, Units 1, 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373, 50–374 and 72–70, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352, 50–353 and 72–65, Limerick Generating Station, Unit 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, et al., Docket No. 50–219 and 72–15, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–171, 50–277, 50–278 and 72–29, Peach Bottom Atomic Power Station, Units 1, 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254, 50–265 and 70–53, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Exelon Generation Company, LLC, Docket No. 50–320, Three Mile Island Nuclear Station, Unit 2, Dauphin County, Pennsylvania

Date of amendment request: May 30, 2014, as supplemented by letters dated March 2 and June 5, 2015.

Brief description of amendments: The amendments revised the Emergency Plans for the affected facilities to adopt the Nuclear Energy Institute's (NEl's) revised Emergency Action Level (EAL) schemes described in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.''

Date of issuance: July 28, 2015.

Effective date: As of the date of issuance and shall be implemented on or before April 29, 2016.

Amendment Nos.: 184, 184, 190, 190, 205, 45, 245, 238, 215, 201, 217, 179, 287, 13, 300, 303, 258, 253, and 287. A publicly-available version is in ADAMS under Accession No. ML15141A058; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–72, NPF–77, NPF–37, NPF–66, NPF–62, DPR–2, DPR–19, DPR–25, NPF–11, NPF–18, NPF–39, NPF–85, DPR–16, DPR–12, DPR–44, DPR–56, DPR–29, DPR–30, and DPR–50: The amendments revised the Emergency Plans.

Date of initial notice in ***Federal Register:*** September 16, 2014 (79 FR 55511). The supplemental letters dated March 2 and June 5, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No from Pennsylvania and New Jersey, and Yes from the state of Illinois. The Safety Evaluation dated July 28, 2015, provides the discussion of the comments received from the State of Illinois.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket No. 50–352 and No. 50–353, Limerick Generating Station, Unit 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Exelon Generation Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3,York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: August 29, 2014.

Brief description of amendments: The amendments approved the extension of the completion date for Milestone 8 of the Cyber Security Plan implementation schedules.

Date of issuance: July 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 185, 185, 191, 191, 312, 290, 206, 246, 239, 216, 202, 218, 180, 219, 149, 288, 301, 304, 259, 254, 117, and 288. A publicly-available version is in ADAMS under Accession No. ML15153A282; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–72, NPF–77, NPF–37, NPF–66, DPR–53, DPR–69, NPF- 62, DPR–19, DPR–25, NPF–11, NPF–18, NPF–39, NPF–85, DPR–63, NPF–69, DPR–16, DPR–44, DPR–56, DPR–29, DPR–30, DPR–18, DPR–50: The amendments revised the Licenses.

Date of initial notice in ***Federal Register:*** May 5, 2015 (80 FR 25719).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 30, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: January 13, 2014, as supplemented by letters dated November 3, 2014, March 3, 2015, and March 27, 2015.

Brief description of amendments: These amendments revise the Technical Specifications (TSs) to add a new TS 3.7.18, ''Atmospheric Dump Valves (ADVs).'' The addition of these TSs addresses a degraded or non-conforming condition that was caused by not having TSs for the ADVs.

Date of issuance: July 23, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 311 and 289. A publicly-available version is in ADAMS under Accession No. ML15133A144; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** July 22, 2014 (79 FR 42548). The supplemental letters dated November 3, 2014, March 3, 2015, and March 27, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 23, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1 (CCNPP1), Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–318, Calvert Cliffs Nuclear Power Plant, Unit No. 2 (CCNPP2), Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant (Ginna), Wayne County, New York

Exelon Generation Company, LLC, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), Oswego County, New York

Date of amendment request: July 10, 2014, as supplemented by letter dated April 30, 2015.

Brief description of amendment: The amendments revised and added several Technical Specification (TS) surveillance requirements to address concerns discussed in Generic Letter (GL) 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems.'' These changes are consistent with TS Task Force Traveler (TSTF) 523, Revision 2, GL 2008–01, Managing Gas Accumulation.

Date of issuance: July 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: CCNPP1–313; CCNPP2–291; Ginna–118; NMP2–150. A publicly-available version of the amendments are in ADAMS under Accession No. ML15161A380; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–53 (CCNPP1), DPR–69 (CCNPP2), DPR–18 (Ginna), and NPF–69 (NMP2): The amendments revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** May 12, 2015, (80 FR 27197). The supplemental letter dated April 30, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 30, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: September 3, 2014, as supplemented by letter dated February 9, 2015.

Brief description of amendments: The amendments revised the Technical Specifications to eliminate the main steam line (MSL) radiation monitor from initiating: (1) A reactor protection system automatic reactor scram; and (2) a primary containment isolation system isolation, including automatic closure of the MSL isolation valves, MSL drain valves, MSL sample line valves, residual heat removal system sample line valves, and reactor recirculation loop sample line valves.

Date of issuance: July 28, 2015.

Effective date: As of the date of issuance, to be implemented prior to startup from the fall 2016 refueling outage for Unit 2, and prior to startup from the fall 2015 refueling outage for Unit 3.

Amendments Nos.: 299 and 302. A publicly-available version is in ADAMS under Accession No. ML15167A456; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the Facility Operating Licenses and the TSs.

Date of initial notice in ***Federal Register:*** November 12, 2014 (79 FR 67201). The supplemental letter dated February 9, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, (TMI–1) Dauphin County, Pennsylvania

Date of application for amendments: October 30, 2014, as supplemented by letter dated June 10, 2015.

Brief description of amendment: The amendment revised the TMI–1 Technical Specification Table 3.1.6.1, ''Pressure Isolation Check Valves Between the Primary Coolant System & LPIS [Low Pressure Injection System],'' maximum allowable leakage limits.

Date of issuance: July 28, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 286. A publicly-available version is in ADAMS under Accession No. ML15090A584; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 9, 2014 (79 FR 73110). The supplemental letter dated June 10, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of application for amendments: July 8, 2014, as supplemented by letter dated July 15, 2015.

Brief description of amendments: The amendments revised the Technical Specifications (TSs) by modifying or adding surveillance requirements to verify that system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances that permit performance of the verification. The changes address NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems'' (ADAMS Accession No. ML072910759), as described in Revision 2 of Technical Specification Task Force-523, ''Generic Letter 2008–01, Managing Gas Accumulation'' (ADAMS Accession No. ML13053A075).

Date of issuance: July 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 264 and 259. The amendments are in ADAMS under Accession No. ML15181A179; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** October 14, 2014 (79 FR 61661). The licensee's supplemental letter dated July 15, 2015, did not expand the scope of the application as originally noticed and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 27, 2015.

No significant hazards consideration comments received: No.

NextEra Energy, Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: July 3, 2014, as supplemented by letters dated December 8, 2014; March 19, 2015; and May 28, 2015.

Brief description of amendments: The amendments revised the Technical Specifications (TSs) for Units 1 and 2 to relocate surveillance frequencies to licensee control as per Technical Specifications Task Force Traveler–425, Revision 3.

Date of issuance: July 28, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 253 and 257. Publicly-available versions are in ADAMS under Accession No. ML15195A201; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** November 12, 2014 (79 FR 67203). The supplemental letters dated December 8, 2014; March 19, 2015; and May 28, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station (Salem), Unit Nos. 1 and 2, Salem County, New Jersey

Date amendment request: July 28, 2014, as supplemented by letter dated January 15, 2015.

Brief description of amendments: The amendments revised the technical specification (TS) requirements regarding steam generator tube inspections and reporting as described in Technical Specifications Task Force (TSTF) Change Traveler TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.'' In addition, the amendments revise the Salem, Unit No. 2 TSs 6.8.4.i, ''Steam Generator (SG) Program,'' and TS 6.9.1.10, ''Steam Generator Tube Inspection Report,'' to remove unnecessary information related to the original Salem, Unit No. 2 Westinghouse steam generators.

Date of issuance: July 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 309 and 291. A publicly-available version is in ADAMS under Accession No. ML15153A230; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the facility operating license and TSs.

Date of initial notice in ***Federal Register:*** October 28, 2014 (79 FR 64227). The supplemental letter dated January 15, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a safety evaluation dated July 30, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: September 11, 2014, and supplemented

by letters dated October 15, 2014 and December 18, 2014.

Description of amendment: The amendment revises the Updated Final Safety Analysis Report by clarifying human diversity during the lifecycle development design process for the Component Interface Module and Diverse Actuation System.

Date of issuance: July 17, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 28. A publicly-available version is in ADAMS under Accession No. ML15176A703; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** December 9, 2014 (79 FR 73111). The supplemental letters dated October 15, 2014 and December 18, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated July 17, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3 (VCSNS), Fairfield County, South Carolina

Date of amendment request: January 27, 2015.

Brief description of amendment: The amendments are to Combined License Nos. NPF–93 and NPF–94 for VCSNS Units 2 and 3. The amendments revise the VCSNS Units 2 and 3 Updated Final Safety Analysis Report (UFSAR) to clarify a human factors engineering operational sequence analysis related to the AP1000 Automatic Depressurization System and delete document WCAP–15847, ''AP1000 Quality Assurance Procedures Supporting NRC Review of AP1000 DCD Sections 18.2 and 18.8,'' that is incorporated by reference into the UFSAR. Both of the amendments constitute changes to information identified as Tier 2* information as defined in 10 CFR part 52, appendix D, section II.F.

Date of issuance: June 2, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 26. A publicly-available version is in ADAMS under Accession No. ML15131A445; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** March 17, 2015 (80 FR 13912).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 2, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (VEGP), Units 1 and 2, Burke County, Georgia

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of application for amendment: December 30, 2014.

Brief description of amendments: The amendments revise the date of the full implementation of the Cyber Security Plans.

Date of issuance: August 3, 2015.

Effective date: As of its date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Farley Unit 1–199, Farley Unit 2–195, VEGP Unit 1–175, VEGP Unit 2–157, Hatch Unit 1–274, and Hatch Unit 2–219. A publicly-available version is in ADAMS under Accession No. ML15180A334, documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–2, NPF–8, NPF–68, NPF–81, DPR–57, NPF–5: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register:*** March 3, 2015 (80 FR 11492).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 3, 2015.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendment: August 27, 2014, as supplemented by letter dated February 16, 2015.

Brief description of amendment: The license amendments approved the changes to the Technical Specification (TS) 3.4.3, ''[Reactor Coolant System] RCS Pressure and Temperature (P–T) Limits'' to address vacuum fill operations of the RCS to meet the requirements of 10 CFR part 50, appendix G. Specifically, this will revise TS figures 3.4.3–1 and 3.4.3–2, RCS Heatup and Cooldown Limitations respectively.

Date of issuance: July 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 275 and 257. A publicly-available version is in ADAMS under Accession No. ML15187A424; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–4 and NPF–7: Amendments revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** October 14, 2014, (79 FR 61663). The supplemental letter dated February 16, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 27, 2015.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: November 20, 2014, as supplemented by letters dated March 18 and May 4, 2015.

Brief description of amendment: The amendment revised the Technical Specification (TS) requirements to address NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' as described in Technical Specification Task Force (TSTF) Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation.''

Date of issuance: July 28, 2015.

Effective date: As of its date of issuance and shall be implemented within 90 days of the date of issuance.

Amendment No.: 212. A publicly-available version is in ADAMS under Accession No. ML15169A213; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–42. The amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** March 31, 2015 (80 FR 17105). The supplemental letters dated March 18 and May 4, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 28, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 10th day of August 2015.

For the Nuclear Regulatory Commission.

A. Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–20138 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on US–APWR; Notice of Meeting

The ACRS Subcommittee on US–APWR will hold a meeting on August 20, 2015, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Thursday, August 20, 2015—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review Chapter 18, ''Human Factors Engineering'' of the Safety Evaluation Report and related Topical Report MUAP–07007–P associated with the US–APWR design certification. The Subcommittee will hear presentations by and hold discussions with the NRC staff and staff from Mitsubishi Heavy Industries. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Girija Shukla (Telephone: 301–415–6855 or Email: *Girija.Shukla@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be Emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240–888–9835) to be escorted to the meeting room.

Dated: August 6, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–20133 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Reliability and PRA; Notice of Meeting

The ACRS Subcommittee on Reliability and PRA will hold a meeting on August 21, 2015, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, August 21, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will discuss the development of the Interim Staff Guidance on Probabilistic Risk Assessment requirements for the Advanced Light-Water Reactor license application under 10 CFR part 52. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Hossein Nourbakhsh (Telephone: 301–415–5622 or Email: *Hossein.Nourbakhsh@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be Emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements may be obtained from the Web site cited above or by

contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240–888–9835) to be escorted to the meeting room.

Dated: August 5, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–20126 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0232]

Applicability of ASME Code Case N–770–1, as Conditioned by Federal Regulation, to Branch Connection Butt Welds

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory issue summary; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Issue Summary (RIS) 2015–10, ''Applicability of ASME Code Case N–770–1, as Conditioned by Federal Regulation, to Branch Connection Butt Welds.'' This RIS is intended to inform addressees about reactor coolant system Alloy 82/182 branch connection dissimilar metal nozzle welds that may be of a butt weld configuration and, therefore, require inspection under the NRC's regulations. This RIS is addressed to all holders of an operating license or construction permit for a pressurized water nuclear power reactor under applicable NRC regulations, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

DATES: The RIS is available as of August 14, 2015.

ADDRESSES: Please refer to Docket ID NRC–2014–0232 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 2014–0232. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jay Collins, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–4038; email: *Jay.Collins@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC published a notice of opportunity for public comment on this RIS in the **Federal Register** (79 FR 63446) on October 23, 2014. The public comment period was extended in the **Federal Register** (79 FR 70897) on November 28, 2014, to allow more time for members of the public to develop and submit their comments. The agency received comments from five commenters. The staff considered all comments, which resulted in minor clarifications to the RIS. The evaluation of these comments and the resulting changes to the RIS are discussed in a publicly-available memorandum, which is in ADAMS under Accession No. ML15068A119.

Dated at Rockville, Maryland, this 10th day of August 2015.

For the Nuclear Regulatory Commission.

Tanya Mensah,

Acting Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–19968 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Future Plant Designs

Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on August 18, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Tuesday, August 18, 2015—8:30 a.m. until 12:00 p.m.

The Subcommittee will discuss sections of the NuScale Design-Specific Review Standard. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone: 301–415–6973 or Email: *Maitri.Banerjee@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be Emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014, (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO.

Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240–888–9835) to be escorted to the meeting room.

Dated: August 6, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–20137 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting

The ACRS Subcommittee on Fukushima will hold a meeting on August 18, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, August 18, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will review the draft regulatory basis for the Containment Protection and Release Reduction rulemaking for Mark I and Mark II boiling water reactors. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone: 301–415–6279 or Email: *Weidong.Wang@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240–888–9835) to be escorted to the meeting room.

Dated: August 6, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–20132 Filed 8–13–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–78 and CP2015–123; Order No. 2648]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Express & Priority Mail Contract 20 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 17, 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:

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I. Introduction
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I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 20 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–78 and CP2015–123 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 20 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are

[1] Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 20 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, August 7, 2015 (Request).

due no later than August 17, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–78 and CP2015–123 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 17, 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. 2015–20052 Filed 8–13–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of new system of records.

SUMMARY: The United States Postal Service® (Postal Service) is establishing a new General Privacy Act System of Records. This new system of records is being established to provide administrative support to end users in connection with a new Postal Service digital application, USPS Health Connect™.

DATES: This system will become effective without further notice September 14, 2015 unless, in response to comments received on or before that date, the Postal Service makes any substantial change to the purpose or routine uses set forth, or to expand the availability of information in this system, as described in this notice.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Office, United States Postal Service, 475 L'Enfant Plaza SW., Room 9431, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Matthew J. Connolly, Chief Privacy Officer, Privacy and Records Office, 202–268–8582 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their amended systems of records in the **Federal Register** when there is a revision, change, or addition.

I. Background

The Postal Service seeks to provide a new wellness benefit to its employees and their dependents by offering USPS Health Connect, a secure application that allows end users to collect, store, and manage their personal health and wellness information in an account completely under the end user's control. Postal Service employees will be able to voluntarily elect to use this application.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The System of Records USPS 100.450, Administrative Records Related to Digital Services, is being established to provide administrative support to assist end users with technical questions and issues concerning the USPS Health Connect application. This new system of records includes only the categories of administrative records defined below. Neither the Postal Service nor its contractors or subcontractors will view or access any health or medical information that is collected, stored, or shared by the end user when using USPS Health Connect.

III. Description of New System of Records

The Postal Service™ is establishing a new General Privacy Act System of Records titled: 100.450 Administrative Records Related to Digital Services. Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the new system of records has been sent to Congress and to the Office of Management and Budget for their evaluation. The Postal Service does not expect this notice to have any adverse effect on individual privacy rights.

Accordingly, for the reasons stated above, the Postal Service proposes a new system of records as follows:

USPS 100.450

SYSTEM NAME:

User Profile Support Records Related to Digital Service.

SYSTEM LOCATION

Contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

1. Current and former USPS employees and their dependents that voluntarily opt-in to use USPS Health Connect.

CATEGORIES OF RECORDS IN THE SYSTEM

1. *User Profile Information:* Name, date of birth, email, gender, phone, internally assigned identifier, username, physical address, employee identification number (EIN), contact information, customer ID(s), text message number, date of account creation, method of referral to Web site, date of last logon, and authentication method preferences.

2. User preferences for communications: Frequency and channel opt in/opt out and preferred means of contact for service alerts and notifications, language.

3. *Online user information:* Internet Protocol (IP) address, domain name, operating system versions, browser version, date and time of first and last connection, and geographic location.

4. *Identity verification information:* username, user ID, email address, text message number, and results of identity proofing validation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

39 U.S.C. 1003, 1004, and 1201–1209.

PURPOSE(S)

1. To provide administrative support to assist end users with technical questions and issues.

2. To provide account management assistance.

3. To provide account security and to deter and detect fraud.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Standard routine uses 1–9 and 11 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE

Automated database, computer storage media, and digital files.

RETRIEVABILITY

For System administrators and/or customer service representatives, by internally assigned identifier, or end user account details such as name, phone number, etc. to assist end users with access/use of USPS Health Connect and understand and fulfill end user needs.

SAFEGUARDS

Contractor site utilizes a Cloud Infrastructure under Agency

Authorization to Operate (ATO) using a FedRAMP accredited Third Party Assessment Organization (3PAO) for selected Cloud Service Provider services. Physical access is strictly controlled both at the perimeter and at building ingress points by professional security staff utilizing video surveillance, intrusion detection systems, and other electronic means. Authorized staff must pass two-factor authentication a minimum of two times to access data center floors. All physical access to data centers by contractor employees is logged and audited routinely.

Encryption and Data Security uses Federal Information Processing Standards (FIPS) compliant encryption, secure certificates for Client and Server communication authenticity, session protection certificates for end to end protection, multiple layers of protection for data confidentiality and integrity and hashes and password storage encryption and block level encryption for the data volumes. Customer support personnel have minimum access to user profile records.

RETENTION AND DISPOSAL

Records are retained until (1) the end user cancels the account, (2) six years after the end user last accesses their account, (3) until the relationship ends, or (4) after reasonable notice has been provided to the end user to export their account information in the event the agreement is terminated.

Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS

Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260.

NOTIFICATION PROCEDURE

Individuals wanting to know if information about them is maintained in this system must address inquiries in writing to the system manager. Inquiries must include full name, Date of Birth, physical address, email address, username and other identifying information if requested.

RECORD ACCESS PROCEDURES

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6.

CONTESTING RECORD PROCEDURES

See Notification Procedure and Record Access Procedures above.

RECORD SOURCE CATEGORIES

Individual end user.

* * * * *

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–20031 Filed 8–13–15; 8:45 am]

BILLING CODE 7710–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) the practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Section 2 of the Railroad Retirement Act (RRA), provides for the payment of an annuity to the spouse or divorced spouse of a retired railroad employee. For the spouse or divorced spouse to qualify for an annuity, the RRB must determine if any of the employee's current marriage to the applicant is valid.

The requirements for obtaining documentary evidence to determine valid marital relationships are prescribed in 20 CFR 219.30 through 219.35. Section 2(e) of the RRA requires that an employee must relinquish all rights to any railroad employer service before a spouse annuity can be paid.

The RRB uses Form G–346, *Employee's Certification,* to obtain the information needed to determine whether the employee's current marriage is valid. Form G–346 is completed by the retired employee who is the husband or wife of the applicant for a spouse annuity. Completion is required to obtain a benefit. One response is requested of each respondent.

Consistent with 20 CFR 217.17, the RRB uses Form G–346sum, *Employee's Certification Summary,* which mirrors the information collected on Form G–346, when an employee, after being interviewed by an RRB field office staff member ''signs'' the form using an alternative signature method known as ''attestation.'' Attestation refers to the action taken by the RRB field office employee to confirm and annotate the RRB's records of the applicant's affirmation under penalty of perjury that the information provided is correct and the applicant's agreement to sign the form by proxy. Completion is required to obtain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (80 FR 32637 on June 9, 2015) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Employee's Certification.

OMB Control Number: 3220–0140.

Forms submitted: G–346 and G–346sum.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2 of the Railroad Retirement Act, spouses of retired railroad employees may be entitled to an annuity. The collection obtains information from the employee about the employee's previous marriages, if any, to determine if any impediment exists to the marriage between the employee and his or her spouse.

Changes proposed: The RRB proposes no changes to the forms in this collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–346	4,830	5	403
G–346sum	2,070	5	172
Total	6,900		575

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.*

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2015–20079 Filed 8–13–15; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75657; File No. SR–ICEEU–2015–014]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Revised Fee Schedule

August 10, 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 August 3, 2015, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been primarily prepared by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, so that the proposal was 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 principal purpose of the proposed rule change is to specify certain fees applicable to the maintenance of certain segregated customer accounts at ICE Clear Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe 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 the proposed rule change is for ICE Clear Europe to specify certain fees (and related volume discounts) applicable to segregated customer accounts, margin flow co-mingled accounts (also known as ''individually segregated, operationally co-mingled'' or ''ISOC'' accounts) and individually segregated sponsored accounts of Non-FCM/BD Clearing Members that are required to be made available under the European Market Infrastructure Regulation (EMIR) (collectively, the ''EMIR Customer Accounts''). Certain such accounts may also be used by Non-FCM/BD Clearing Members prior to EMIR authorization of ICE Clear Europe.

Specifically, an application fee and an annual fee will apply to various EMIR Customer Accounts as follows:

	Application fee	Annual fee
Segregated Customer Accounts (''F'', ''S'' and ''T'')	Waived	Waived.
ISOC Account (''I'' and ''J'' Account)	Waived	€5,000 per annum per Individual Customer.
Individually Segregated Sponsored Account (''Sponsored Account'')	€10,000 per Sponsored Principal	€25,000 per annum per Sponsored Principal.

The rule change also establishes volume discounts applicable where a client establishes a number of separate individually segregated accounts, detailed as follows:

Number of accounts	Minimum number of accounts	Cost per ISOC account (EUR p.a.)	Minimum cost of ISOC package	Sponsored principal application fee	Cost per SP account (EUR p.a.)	Minimum cost of SP package
Individual Accounts	1	5,000	5,000	10,000	25,000	35,000
50 or more	50	3,300	165,000	N/A	16,500	825,000
100 or more	100	2,150	215,000	N/A	10,750	1,085,000

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

The rule change also specifies the timing of payment of such fees, with annual fees initially becoming due on August 31, 2015, as set forth in further detail in a Circular to be published by ICE Clear Europe.

2. Statutory Basis

ICE Clear Europe has determined that the fees are reasonable and appropriate to charge for establishing and maintaining EMIR Customer Accounts for Non-FCM/BD Clearing Members. In particular, ICE Clear Europe believes that the fees, and related volume discounts from them, have been set at an appropriate level given the costs and expenses to ICE Clear Europe in offering and maintaining the relevant EMIR Customer Accounts. The fees (and related discounts) apply equally to all Non-FCM/BD Clearing Members that use EMIR Customer Accounts. ICE Clear Europe believes that imposing such clearing fees is consistent with the requirements of Section 17A of the Act [5] and the regulations thereunder applicable to it, and in particular provides for the equitable allocation of reasonable dues, fees, and other charges among its Clearing Members, within the meaning of Section 17A(b)(3)(D) of the Act.[6] ICE Clear Europe thus believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and regulations thereunder applicable to it.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule change would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. As noted above, ICE Clear Europe believes that the fees and related discounts have been set at an appropriate level given the costs and expenses to ICE Clear Europe in offering and maintaining the relevant EMIR Customer Accounts. The fees and related discounts apply equally to all Non-FCM/BD Clearing Members that use EMIR Customer Accounts. ICE Clear Europe does not believe that the amendments would adversely affect the ability of such Clearing Members or other market participants generally to engage in cleared transactions or to access clearing. ICE Clear Europe further believes that the fees will not otherwise adversely affect competition among Clearing Members, adversely affect the market for clearing services or limit market participants' choices for obtaining clearing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [7] of the Act and Rule 19b–4(f)(2) [8] thereunder because it establishes a fee or other charge imposed by ICE Clear Europe on its Clearing Members. Specifically, the proposed rule change will establish fees to be paid by Non-FCM/BD Clearing Members to ICE Clear Europe in connection with EMIR Customer Accounts. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such proposed 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–ICEEU–2015–014 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–ICEEU–2015–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2015–014 and should be submitted on or before September 4, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–20008 Filed 8–13–15; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(D).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75656; File No. SR–ICC–2015–014]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Implement Single Name Backloading Incentive Program

August 10, 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 30, 2015, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. ICC filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, so that the proposal was 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 purpose of the proposed rule change is to implement a single name backloading incentive program for client account clearing of single name credit default swap (''CDS'') contracts.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to implement a single name backloading incentive program for client account clearing of single name CDS contracts. The proposed rule change is designed to incentivize market participants to submit additional transactions to ICC for clearing. Under the program, clients will receive a 50% discount on ICC clearing fees for backloaded single name CDS contracts. The discount will be paid back as a rebate directly through the client's Clearing Participant. ICC plans to begin processing program rebates on September 1, 2015, and the terms of the program are set to expire on December 1, 2015. Contracts must have an execution date prior to June 1, 2015 to be eligible for the rebate program.

ICC believes the proposed rule change is consistent with the requirements of the Act including Section 17A of the Act.[5] More specifically, the proposed rule change establishes or changes a member due, fee or other charge imposed by ICC under Section 19(b)(3)(A)(ii)[6] of the Act and Rule 19b–4(f)(2)[7] thereunder. ICC believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(D),[8] because the proposed fee changes apply equally to all market participants clearing backloaded single name CDS contracts in client accounts and therefore the proposed rule change provides for the equitable allocation of reasonable dues, fees and other charges among participants. As such, the proposed rule change is appropriately filed pursuant to Section 19(b)(3)(A)[9] of the Act and paragraph (f)(2) of Rule 19b–4 thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed rule change modifies pricing for client account clearing of single name CDS contracts. There is no limit to the number of client participants that may participate in the backloading incentive program; it will be open to all clients and rebates will be applied to all transaction fees for client accounts clearing eligible single name CDS contracts. As such, the proposed rule change applies consistently across all eligible market participants and the implementation of the proposed rule change does not preclude the implementation of similar incentive programs by other market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[10] of the Act and Rule 19b–4(f)(2)[11] thereunder because the implementation of a single name backloading incentive program for client account clearing of single name CDS contracts results in changes which establish or change a due, fee, or other charge applicable to ICC's participants. 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–ICC–2015–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2015–014. 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

[3] 15 U.S.C. 78s(b)(3)(A).
[4] 17 CFR 240.19b–4(f)(2).
[5] 15 U.S.C. 78q–1.
[6] 15 U.S.C. 78s(b)(3)(A)(ii).
[7] 17 CFR 240.19b–4(f)(2).
[8] 15 U.S.C. 78q–1(b)(3)(D).
[9] 15 U.S.C. 78s(b)(3)(A).
[10] 15 U.S.C. 78s(b)(3)(A).
[11] 17 CFR 240.19b–4(f)(2).

10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation*.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2015–014 and should be submitted on or before September 4, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–20007 Filed 8–13–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75660; File No. SR–CTA–2015–02]

Consolidated Tape Association; Order Approving the Twenty Third Substantive Amendment to the Second Restatement of the CTA Plan

August 11, 2015.

I. Introduction

On June 19, 2015, certain participants (''Approving Participants'') [1] of the Consolidated Tape Association (''CTA'') Plan filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 608 thereunder,[3] a proposal to amend the Second Restatement of the CTA Plan (''CTA Plan'').[4] The proposal represents the Twenty Third Substantive Amendment to the CTA Plan (''Amendment'').[5] The Amendment proposes to establish a fee that will be charged to a vendor or other data redistributor that fails to comply with the CTA Plan participants' Consolidated Volume display statement, and related requirements. The non-compliance charge seeks to provide incentives for data redistributors to comply with the participants' consolidated volume requirements. The proposed Amendment was published for comment in the **Federal Register** on July 10, 2015.[6] No comment letters were received in response to the Notice. This order approves the proposed Amendment to the Plan.

II. Description of the Proposal

Historically, the Plan participants have not applied device fees to devices that receive consolidated volume (*i.e.,* aggregate volume for trades taking place on all market centers under the Plan) in displays that do not also include CTA Plan prices or CQ Plan quotation information. The participants do not plan to change this policy.

However, some data redistributors include consolidated volume in displays of unconsolidated last sale prices and/or unconsolidated bid-asked quotes, such as displays of one exchange's trade prices and quotes. The Participants believe that such displays, whether displayed internally or externally, could mislead investors regarding the nature of the information they are viewing. A significant number of data users receive proprietary trade prices and quotes. Unless the data users understand the content being displayed, they could mistakenly think that they are seeing consolidated trades and quotes because the volume is consolidated volume.

To make the displays transparent and less likely to mislead, data redistributors that include consolidated volume in displays of unconsolidated prices and quotes must incorporate into those displays the following statement (or a close iteration of the statement that the network administrator(s) have approved): ''Realtime quote and/or trade prices are not sourced from all markets.''

A data redistributor must also assure that any person included in the redistribution chain starting with the data redistributor places the statement in any such display that it provides. The statement must be clearly visible to the end users so that they understand the differences in the sources of the data. In addition, data redistributors need to assure that they, and any person or entity included in the redistribution chain starting with them, clearly incorporate the display statement into any advertisement, sales literature or other material displaying CTA Consolidated Volume alongside unconsolidated prices or quotes. These requirements apply to both real-time and delayed displays of consolidated volume.

In order to ensure compliance with these requirements, all recipients of the CTA last sale price datafeed (whether directly or indirectly) must submit a declaration. The Amendment will require firms that include consolidated volume in displays of unconsolidated prices and quotes to submit to NYSE a screen print of the displays, which include the display statement. The CTA Administrator will work with firms to facilitate their compliance.[7]

The Approving Participants' representatives met with SIFMA and the CTA Plan's Advisory Committee to discuss the consolidated volume requirements and responded to their questions. They shortened the display statement in response to comments and made clear that a datafeed recipient that provides an exchange's trading volume with displays of the exchange's trade prices and quotes is not subject to the display requirement.

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[12] 17 CFR 200.30–3(a)(12).

[1] More than two-thirds of the CTA Plan participants approved the amendment. The Approving Participants are: BATS Exchange, Inc., BATS–Y Exchange, Inc., Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., International Securities Exchange, LLC, National Stock Exchange, New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc. NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., and the Nasdaq Stock Market LLC are also CTA Plan participants (''participants'').

[2] 15 U.S.C. 78k–1.

[3] 17 CFR 242.608.

[4] *See* Securities Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17799 (declaring the CTA Plan effective). The CTA Plan, pursuant to which markets collect and disseminate last sale price information for non-NASDAQ listed securities, is a ''transaction reporting plan'' under Rule 601 under the Act, 17 CFR 242.601, and a ''national market system plan'' under Rule 608 under the Act, 17 CFR 242.608.

[5] The Amendment was originally submitted on an immediately effective basis pursuant to Rule 608(b)(3)(i) under Regulation NMS. *See* Letter from Emily Kasparov, Chairman, CTA Plan Operating Committee to Brent J. Fields, Secretary, Commission, dated May 18, 2015. On June 19, 2015, the Approving Participants filed a letter to indicate the proposal should be considered under Rule 608(b)(1) and Rule 608(b)(2) of Regulation NMS. As a result, the Amendment must be approved by the Commission. *See* Letter from Emily Kasparov, Chairman, CTA Plan Operating Committee to Brent J. Fields, Secretary, Commission, dated June 17, 2015. The Amendment was originally designated as the Twenty Second Charges Amendment to the Plan. The Commission noted that the proposal is the Twenty Third Substantive Amendment to the Plan. *See* Notice, *infra* note 6, 80 FR at 39822 at note 5. On August 7, 2015, the Approving Participants filed a letter to indicate the proposal should be designated as the Twenty Third Substantive Amendment of the Plan. *See* Letter from Emily Kasparov, Chairman, CTA Plan Operating Committee to Brent J. Fields, Secretary, Commission, dated August 6, 2015 (''August 6 Letter'').

[6] *See* Securities Exchange Act Release No. 75363 (July 6, 2015), 80 FR 39821 (''Notice'').

[7] A firm with access to CTA consolidated volume data must submit the declaration and, if applicable, the screen print within 120 days from the effective date of the amendment or within 30 days of the effective date of the firm's market data agreement with the participants that governs its receipt of the CTA datafeed (its ''Vendor Agreement''). Thereafter, each firm must submit its declaration and, if applicable, its screen print annually by the 31st day of January.

In order to motivate data recipients to comply with the display statement requirements, including the requisite declarations and screen submissions, the Amendment establishes a non-compliance fee for each month of non-compliance. For each of Network A and Network B, the monthly fee is $3,000.

A datafeed recipient must submit the required screen prints upon the Amendment's implementation date [8] or within thirty days of the effective date of its Vendor Agreement. It must submit those screen prints (including previously provided, new, or changed screen prints) annually by the 31st day of January.

The non-compliance charges will be assessed against a data redistributor for each month in which it fails to provide the declaration or a copy of a Consolidated Volume screen print with the required display statement in a timely manner. The charge will also be assessed against a data redistributor each month for non-compliance by persons in the redistribution chain starting with the data redistributor where such persons have not entered into an applicable agreement with CTA.

The Approving Participants expect the non-compliance charges to provide incentives for data redistributors to comply with the consolidated volume requirements; they do not view the non-compliance fee as establishing a new revenue source. Rather, they hope it encourages all data redistributors to submit their declarations and screen prints (where applicable) in a timely fashion. They hope that the fee will motivate non-compliant redistributors to adopt the same practices that the majority of redistributors follow.

The Approving Participants included delayed displays of consolidated volume in the Amendment to make it clear that if a data redistributor accompanies displays of real-time unconsolidated prices and quotes with delayed consolidated volume, it is subject to the new requirement.

III. Discussion

After careful review, the Commission finds that the proposed Amendment to the Plan is consistent with the requirements of the Act and the rules and regulations thereunder,[9] and, in particular, Section 11A(a)(1) of the Act [10] and Rule 608 thereunder [11] in that it is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system.

The proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,[12] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations and transactions in securities. These goals are furthered by the proposed changes to establish a fee that will be charged to a vendor or other data redistributor that fails to comply with the CTA Plan participants' Consolidated Volume display statement, and related requirements. Consolidated data continues to provide a great deal of value for investors in assessing the current market for trades and the quality of the execution they receive for their trades. The Commission believes it is important for market participants to know when Consolidated Volume is displayed alongside unconsolidated prices and quotes by data redistributors. The Consolidated Volume display policy should provide greater transparency on the source of the data for users of displays that contain both consolidated and proprietary data from redistributors. Additionally, the non-compliance charge should provide incentives for data redistributors to comply with the Consolidated Volume requirement.

IV. Conclusion

It is therefore ordered, pursuant to Section 11A of the Act,[13] and the rules thereunder, that the proposed Amendment to the CTA Plan (File No. SR–CTA–2015–02) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20147 Filed 8–13–15; 8:45 am]

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[8] The Approving Participants indicated that they will give notice of the compliance fee to all data redistributors no less than 120 days prior to its implementation. *See* August 6 Letter.

[9] The Commission has considered the proposed amendment's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78k–1(a)(1).

[11] 17 CFR 240.608.

[12] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[13] 15 U.S.C. 78k–1.

[14] 17 CFR 200.30–3(a)(27).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75655; File No. SR–FINRA–2015–029]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Adopt FINRA Rule 3210 (Accounts At Other Broker-Dealers and Financial Institutions) in the Consolidated FINRA Rulebook

August 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''SEA'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA. 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

FINRA is proposing to adopt FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions) in the Consolidated FINRA Rulebook, and to delete NASD Rule 3050, Incorporated NYSE Rules 407 and 407A and Incorporated NYSE Rule Interpretations 407/01 and 407/02.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

As part of the process of developing a new consolidated rulebook (''Consolidated FINRA Rulebook''),[3] FINRA is proposing to adopt a new, consolidated rule addressing accounts opened or established by associated persons of members at firms other than the firm with which they are associated. FINRA proposes to adopt FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions) in the Consolidated FINRA Rulebook and to delete NASD Rule 3050, Incorporated NYSE Rules 407 and 407A and Incorporated NYSE Rule Interpretations 407/01 and 407/02.[4]

Sound supervisory practices require that a member firm monitor personal accounts opened or established outside of the firm by its associated persons. Proposed FINRA Rule 3210 combines and streamlines longstanding provisions of the NASD and NYSE rules that address this area and would, in combination with FINRA's new FINRA Rule 3110(d) governing securities transactions review and investigation,[5] help facilitate effective oversight of the specified trading activities of associated persons of member firms. FINRA sought comment on the proposal in a *Regulatory Notice* (the ''*Notice*'').[6] FINRA has revised the proposed rule as published in the *Notice* in response to comments.[7]

(A) Background: NASD Rule 3050 and NYSE Rules 407 and 407A

NASD Rule 3050 and NYSE Rules 407 and 407A are longstanding rules that address specified accounts opened or established by associated persons of members at firms other than the firm with which they are associated.

NASD Rule 3050 (designated in its original form as Section 28 of the Rules of Fair Practice) was adopted to address this issue by providing a means by which members would be informed of the extent and nature of transactions effected by their employees or other associated persons,[8] so that members, in their own interest and in the interest of their customers, might weigh the effect, if any, of such transactions handled outside their firms.[9] The rule imposes specified obligations on member firms and associated persons.[10] In short:

• *Obligations of Member Firms:* NASD Rule 3050(a) requires that a member (called an ''executing member'') who knowingly executes a transaction for the purchase or sale of a security for the account of a person associated with another member (called an ''employer member''), or for any account over which the associated person has discretionary authority, must use reasonable diligence to determine that the execution of the transaction will not adversely affect the interests of the employer member. NASD Rule 3050(b) requires that, where an executing member knows that a person associated with an employer member has or will have a financial interest in, or discretionary authority over, any existing or proposed account carried by the executing member, the executing member must:

(1) Notify the employer member in writing, prior to the execution of a transaction for the account, of the executing member's intention to open or maintain that account;

(2) Upon written request by the employer member, transmit duplicate copies of confirmations, statements, or other information with respect to the account; and

(3) Notify the person associated with the employer member of the executing member's intention to provide the notice and information required by (1) and (2).

• *Obligations of Associated Persons:* NASD Rules 3050(c) and Rule 3050(d), in combination, address associated persons, whether they open securities accounts or place securities orders through a member firm other than their employer or whether they do so through other types of financial services firms that are not FINRA members.[11] Specifically:

(1) NASD Rule 3050(c) requires that a person associated with a member, prior to opening an account or placing an initial order for the purchase or sale of securities with another member, must notify both the employer member and the executing member, in writing, of his or her association with the other member. The rule provides that if the account was established prior to the person's association with the employer member, the person must notify both members in writing promptly after becoming associated;

(2) NASD Rule 3050(d) provides that if the associated person opens a securities account or places an order for the purchase or sale of securities with a broker-dealer that is registered pursuant to SEA Section 15(b)(11) (a notice-registered broker-dealer), a domestic or foreign investment adviser, bank, or other financial institution (that is, firms that are not FINRA members), then he or she must: (i) Notify his or her employer member in writing, prior to the execution of any initial transactions, of the intention to open the account or place the order; and (ii) upon written request by the employer member, request in writing and assure that the notice-registered broker-dealer, investment adviser, bank, or other financial institution provides the

[3] The current FINRA rulebook consists of: (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules'') (together, the NASD Rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[4] For convenience, the Incorporated NYSE Rules are referred to as the ''NYSE Rules.''

[5] New FINRA Rule 3110(d) (Transaction Review and Investigation) sets forth requirements for supervisory procedures for members to comply with the Insider Trading and Securities Fraud Enforcement Act of 1988 (''ITSFEA'') (Pub. L. 100–704, 102 Stat. 4677). The Commission has approved FINRA Rule 3110(d) as part of FINRA's new consolidated supervision rules, which became effective on December 1, 2014. *See* Securities Exchange Act Release No. 71179 (December 23, 2013), 78 FR 79542 (December 30, 2013) (Order Granting Approval of Proposed Rule Change; File No. SR–FINRA–2013–025) (''Supervisory Rules Filing''); *see also Regulatory Notice* 14–10 (March 2014) (Consolidated Supervision Rules). Paragraph (d)(1) of the rule requires that a member's supervisory procedures must include a process for the review of securities transactions that is reasonably designed to identify trades that may violate the provisions of the Act, its regulations, or FINRA rules prohibiting insider trading and manipulative and deceptive devices that are effected for the accounts specified under paragraphs (d)(1)(A) through (d)(1)(D) of the rule.

[6] *See Regulatory Notice* 09–22 (April 2009) (Personal Securities Transactions).

[7] Comments are discussed in Item II.C of this filing. As discussed further in Item II.C, commenters expressed concern that Rule 3210, as proposed in the *Notice,* would be burdensome or difficult to implement and that the rule should, informed by the approach of current NASD Rule 3050, be revised to permit firms flexibility to craft appropriate supervisory policies and procedures taking into account their business models and the risk profiles of their activities.

[8] The terms ''person associated with a member'' and ''associated person of a member'' include, among others, registered representatives. *See* paragraph (rr) of Article I of the FINRA By-Laws.

[9] *See* Securities Exchange Act Release No. 4924 (August 21, 1953).

[10] FINRA historically has noted that the purpose of the rule (originally designated Article III, Section 28 of the Rules of Fair Practice) is to ''help member firms discharge their supervisory responsibility over the securities activities conducted in their associated persons' personal securities accounts.'' Securities Exchange Act Release No. 23754 (October 28, 1986), 51 FR 40546 (November 7, 1986) (Proposed Rule Change; File No. SR–NASD–86–29).

[11] NASD Rule 3050(e) provides that Rules 3050(c) and (d) apply only to accounts or orders in which an associated person has a financial interest or with respect to which the associated person has discretionary authority.

employer member with duplicate copies of confirmations, statements, or other information concerning the account or order. NASD Rule 3050(d) provides that if an account subject to Rule 3050(d) was established prior to the person's association with the member, the person must comply with the rule promptly after becoming associated;

(3) NASD Rule 3050(f) provides that the requirements of Rule 3050 do not apply to transactions in unit investment trusts and variable contracts or redeemable securities of companies registered under the Investment Company Act of 1940, or to accounts which are limited to transactions in such securities.

NYSE Rule 407, similar in purpose to FINRA Rule 3050, addresses transactions by and for employees of member firms [12] as follows:

• NYSE Rule 407(a) is similar to NASD Rule 3050(b), except that Rule 407(a) imposes a requirement to obtain the prior written consent of the employer member.[13] Specifically, the rule requires that no member or member organization may, without the prior written consent of the employer, open a securities or commodities account or execute any transaction in which a member or employee associated with another member or member organization is directly or indirectly interested. The rule requires that duplicate confirmations and account statements be sent promptly to the employer.

• NYSE Rule 407(b) is similar to NASD Rules 3050(c) and (d), except that, like NYSE Rule 407(a), it also sets forth a prior written consent requirement. The rule requires that no member associated with a member or member organization may establish or maintain any securities or commodities account [14] or enter into any securities transaction with respect to which such person has any financial interest or the power, directly or indirectly, to make investment decisions, at another member or member organization, or a domestic or foreign non-member broker-dealer, investment adviser, bank, other financial institution,[15] or otherwise without the prior written consent of another person designated by the member or member organization to sign such consents and review such accounts. The rule requires that persons having accounts or effecting transactions as covered by the rule must arrange for duplicate confirmations and statements (or their equivalents) to be sent to a person designated by the member or member organization to review such accounts and transactions. The rule further requires that all such accounts and transactions must periodically be reviewed by the member or member organization employer.[16]

• NYSE Rule 407.12 provides that the rule's requirement to send duplicate confirmations and statements does not apply to transactions in unit investment trusts and variable contracts or redeemable securities of companies registered under the Investment Company Act of 1940, or to accounts which are limited to transactions in such securities, or to Monthly Investment Plan type accounts, unless the employer member requests receipt of duplicate confirmations and statements of such accounts. As such, the provision is similar to the corresponding provisions under NASD Rule 3050(f), except that Rule 3050(f) wholly excepts the specified transactions and accounts from the scope of Rule 3050.

In addition, NYSE Rule 407A (Disclosure of All Member Accounts) requires members (*i.e.,* natural persons approved by the New York Stock Exchange (the ''Exchange'') and designated by a member organization to effect transactions on the floor of the Exchange or any facility thereof) to promptly report to the Exchange any securities account, including an error account, in which the member has, directly or indirectly, any financial interest or the power to make investment decisions. Such accounts include any account at a member or non-member broker-dealer, investment adviser, bank or other financial institution. NYSE Rule 407A also requires a member having such an account to notify the financial institution that carries or services the account that it is a NYSE member. In addition, the rule requires that members report to the Exchange when any such securities account is closed.

NYSE Rule 407A was adopted in 2001 as part of a series of initiatives designed to strengthen the regulation of activities of NYSE floor brokers.[17] This rule expands the obligations placed upon members under Rule 407 by requiring disclosure to the Exchange. These reporting requirements were designed to provide the NYSE with current information about where floor members carry securities accounts and to enhance its ability to investigate quickly the trading of securities by such members.

NYSE Rule Interpretation 407/01 addresses the process for determining whether the account of a spouse of an associated person should be subject to NYSE Rule 407.

NYSE Rule Interpretation 407/02 provides that NYSE Rule 407(b) applies when an associated person is also a majority stockholder of a non-public corporation that wishes to open a discretionary margin account at another member.

(B) Proposed FINRA Rule 3210

Proposed FINRA Rule 3210, consistent with the longstanding purposes of NASD Rule 3050 and NYSE Rule 407,[18] is designed to enable members to monitor the personal accounts of their associated persons opened or established outside of the member firm. The new rule, in combination with new FINRA Rule 3110, takes the approach that a member is responsible for supervising its associated persons' trading activities.[19]

[12] *See* note 10 *supra.* The NYSE noted that Rule 407 imposes obligations as to specified personal accounts of employees and associated persons and that one of the rule's purposes, among other things, is to help deter and detect violations of applicable federal securities laws and regulations. *See NYSE Information Memo* 09–50 (October 30, 2009) (Supervision of Trading in Proprietary, Employee and Employee-Related Securities and Commodities Accounts).

[13] The term ''employer member'' is defined within the context of the NASD rule, not the NYSE rule. For purposes of discussing NYSE Rule 407, in this filing the term ''employer member'' is used interchangeably with ''employer'' for convenience.

[14] NYSE Rule 407.11 states that the term ''securities or commodities accounts'' as used in Rule 407(b) includes, but is not limited to, limited or general partnership interests in investment partnerships.

[15] NYSE Rule 407.13 states that, for purposes of the rule, the term ''other financial institution'' includes, but is not limited to, insurance companies, trust companies, credit unions and investment companies.

[16] NYSE Rule 407.11 requires that members and member organizations must develop and maintain written procedures for reviewing such accounts and transactions and must assure that their associated persons are not improperly recommending or marketing such securities or products to others through members or member organizations.

[17] The Commission noted that these initiatives would aid the NYSE in fulfilling some of the undertakings included in the NYSE's 1999 settlement with the SEC regarding failure to enforce compliance with SEA Section 11(a) and SEA Rule 11a–1 and NYSE Rules 90, 95 and 111 with respect to activity of floor brokers. As noted by the Commission, broadly, those provisions were aimed at preventing NYSE floor broker members from exploiting their advantageous position on the NYSE floor for personal gain to the detriment of the investing public. *See* In the Matter of New York Stock Exchange, Inc., Securities Exchange Act Release No. 41574 (June 29, 1999), Administrative Proceeding File No. 3–9925; Securities Exchange Act Release No. 42381 (February 3, 2000), 65 FR 6673 (February 10, 2000) (Notice of Filing of Proposed Rule Change; File No. SR–NYSE–99–25); Securities Exchange Act Release No. 44769 (September 6, 2001), 66 FR 47710 (September 13, 2001) (Order Granting Approval to Proposed Rule Change; File No. SR–NYSE–99–25).

[18] *See* note 10 and note 12 *supra.*

[19] *See* Supervisory Rules Filing and note 5 *supra.* In this connection, as discussed further in Item

Continued

The rule begins by setting forth a requirement that an associated person must obtain the prior written consent of his or her employer when opening a specified account at another member or other financial institution. Specifically, proposed FINRA Rule 3210(a) provides that no person associated with a member (''employer member'') shall, without the prior written consent of the member, open or otherwise establish at a member other than the employer member (''executing member''), or at any other financial institution,[20] any account in which securities transactions can be effected [21] and in which the associated person has a beneficial interest.[22] Proposed FINRA Rule 3210.02 provides that, for purposes of the rule, the associated person shall be deemed to have a beneficial interest in any account that is held by: (a) The spouse of the associated person; (b) a child of the associated person or of the associated person's spouse, provided that the child resides in the same household as or is financially dependent upon the associated person; (c) any other related individual over whose account the associated person has control; or (d) any other individual over whose account the associated person has control and to whose financial support the associated person materially contributes.[23] The types of accounts specified pursuant to proposed FINRA Rule 3210.02 are designed to align with ''covered accounts'' as defined pursuant to new FINRA Rule 3110(d)(4)(A) for purposes of the transaction review and investigation provisions pursuant to Rule 3110(d)(1).[24] Further, FINRA believes the proposed language is consistent with the broad approach of NASD Rule 3050 and NYSE Rule 407 as historically understood to facilitate the monitoring of associated persons' personal and related accounts.[25] FINRA notes that the proposed new language eliminates the language in the current rules that references accounts or transactions where the associated person has ''the power, directly or indirectly, to make investment decisions,'' as set forth in NYSE Rule 407(b), and accounts where the associated person has ''discretionary authority,'' as set forth in NASD Rule 3050(b).[26]

Similar to the current rules, the new rule places notification obligations on associated persons with respect to the executing member or other financial institution. Specifically, proposed FINRA Rule 3210(b) is based in large part on NASD Rules 3050(c) and 3050(d) and provides that any associated person, prior to opening or otherwise establishing an account subject to the rule, must notify in writing the executing member, or other financial institution, of his or her association with the employer member.

Also similar to the current rules, the new rule specifies obligations for executing members. Specifically, proposed FINRA Rule 3210(c) is based in large part on NASD Rule 3050(b)(2) and provides that an executing member must, upon written request by the employer member, transmit duplicate copies of confirmations and statements, or the transactional data contained therein, with respect to an account subject to the rule.[27]

Similar to current provisions in NASD Rules 3050(c) and 3050(d), the proposed rule makes allowance for accounts opened by an associated person prior to his or her association with the employer member. Specifically, proposed FINRA Rule 3210.01 provides that, if the account was opened or otherwise established prior to the person's association with the employer member, the associated person, within 30 calendar days of becoming so associated, must obtain the written consent of the employer member to maintain the account and must notify in writing the executing member or other financial institution of his or her

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II.A.1(C) below, FINRA is deleting the provision under NASD Rule 3050(a) as to the obligation of the executing member to use reasonable diligence with respect to the specified transactions.

[20] Based on NYSE Rule 407.13 and NASD Rule 3050(d), proposed FINRA Rule 3210.05 provides that, for the purposes of the rule, the terms ''other financial institution'' and ''financial institution other than a member'' include, but are not limited to, any broker-dealer that is registered pursuant to SEA Section 15(b)(11), domestic or foreign non-member broker-dealer, investment adviser, bank, insurance company, trust company, credit union and investment company.

[21] In the interest of helping facilitate supervision of securities transactions under new FINRA Rule 3110(d)(1), FINRA is specifying ''any account in which securities transactions can be effected'' so as to be clear that the proposed rule's scope includes any account, regardless of type, where securities transactions can take place as specified under the rule.

[22] As proposed in the *Notice,* the rule would have specified accounts in which the associated person has a ''personal financial interest.'' Commenters suggested that this language was unclear. *See* Item II.C.2 of this filing. FINRA is proposing the term ''beneficial interest'' because that term is an established and well-understood standard. *See, e.g.,* FINRA Rule 5130(i)(1), which defines ''beneficial interest'' to mean, in part, any economic interest, such as the right to share in gains or losses. FINRA believes that the proposed term is consistent with the purpose of NYSE Rule 407, which in part addresses transactions in which the associated person is ''directly or indirectly interested'' (NYSE Rule 407(a)) or with respect to which the associated person ''has any financial interest'' (NYSE Rule 407(b)) and with NASD Rules 3050(b) through (d), which in part address accounts or transactions in which the associated person has a ''financial interest.'' Further, the proposed term would align the rule with ''beneficial interest'' as specified under new FINRA Rule 3110(d)(1)(B), which, for purposes of the transaction review and investigation provisions set forth under new FINRA Rule 3110(d)(1), specifies in part accounts ''in which a person associated with the member has a beneficial interest.'' *See* note 5 *supra.*

[23] Some commenters expressed concerns as to addressing spouse accounts in the proposed rule. FINRA notes that spouse accounts have long been addressed under NYSE Rule Interpretation 407/01. *See* Item II.C.2 of this filing.

[24] *See* note 5 *supra.*

[25] For example, with respect to the approach of the current rules, as noted earlier, NYSE Rule Interpretation 407/01 addresses spouse accounts. In the context of amendments to NASD Rule 3050 (then designated Article III, Section 28 of the Rules of Fair Practice) adopted in 1983 that extended the rule to include accounts over which the associated person exercises discretion, FINRA noted its intent to enable the rule's scope to reach accounts of relatives of associated persons where the associated person places the orders. *See* Securities Exchange Act Release No. 19347 (December 16, 1982), 47 FR 58416 (December 30, 1982) (Proposed Rule Change; File No. SR–NASD–82–25); Securities Exchange Act Release No. 19550 (February 28, 1983), 48 FR 9413 (March 4, 1983) (Order Approving Proposed Rule Change; File No. SR–NASD–82–25). FINRA believes that because the proposed rule specifies, in language that aligns with new FINRA Rule 3110(d)(4)(A), the types of personal relationships that would be within the scope of ''beneficial interest,'' the rule's precise parameters should be more clear.

[26] FINRA believes that this will serve to more clearly demarcate the respective scope of the new rule vis-à-vis current NASD Rule 3040, which addresses the obligations of associated persons and members in connection with private securities transactions. NASD Rule 3040(e)(1) defines private securities transactions to include, in part, ''any securities transaction outside the regular course or scope of an associated person's employment with a member'' and excludes from the rule's specified notification requirements, among other things, transactions subject to the notification requirements of NASD Rule 3050. FINRA believes that, to the extent associated persons make investment decisions or have discretionary authority in contexts that involve private securities transactions within the scope of NASD Rule 3040, as opposed to accounts in which they have a beneficial interest as specified by the new rule, such transactions are properly addressed by the requirements set forth in Rule 3040 and other FINRA rules as applicable. FINRA believes that this approach is consistent, as noted earlier, with the historical approach of NASD Rule 3050 and NYSE Rule 407 that is intended to facilitate monitoring of associated persons' personal and related accounts.

[27] As published in the *Notice,* the proposed rule would have *required* the employer member to instruct the associated person to have the executing member provide the specified duplicate account statements and confirmations to the employer member. As discussed further in Item II.C.1 of this filing, commenters expressed concern that the rule as proposed in the *Notice* would burden members with collecting the specified information without regard to whether such collection is warranted by the member's business model and risk profile. In response to commenter suggestion, FINRA has revised the proposed rule so that the specified information is provided upon written request by the employer member, which is consistent with the approach of current NASD Rule 3050 and which FINRA believes permits members flexibility to craft appropriate supervisory policies and procedures according to their business model and the risk profile of their activities.

association with the employer member.[28]

Similar to the current rules, the new rule makes allowance for specified information that executing members need not transmit to employer members. Specifically, proposed FINRA Rule 3210.03 is based in large part on NYSE Rule 407.12 and NASD Rule 3050(f) and provides that the requirement (pursuant to paragraph (c) of Rule 3210) that the executing member provide the employer member, upon the employer member's written request, with duplicate account confirmations and statements, or the transactional data contained therein, shall not be applicable to transactions in unit investment trusts, municipal fund securities as defined under MSRB Rule D–12,[29] qualified tuition programs pursuant to Section 529 of the Internal Revenue Code and variable contracts or redeemable securities of companies registered under the Investment Company Act, as amended, or to accounts that are limited to transactions in such securities, or to Monthly Investment Plan type accounts.[30]

Proposed FINRA Rule 3210.04 is new and provides that, with respect to an account subject to the rule at a financial institution other than a member, the employer member must consider the extent to which it will be able to obtain, upon written request, duplicate copies of confirmations and statements, or the transactional data contained therein, directly from the non-member financial institution in determining whether to provide its written consent to an associated person to open or maintain such account.[31] FINRA believes that the proposed requirement serves a valid regulatory purpose in view of the employer member's responsibility for supervising its associated persons' trading activities.

(C) Deleted Requirements

Proposed FINRA Rule 3210 deletes a number of requirements in NASD Rule 3050 and NYSE Rule 407 that are rendered outdated by the new rule or are otherwise addressed elsewhere by FINRA rules.

• The proposed rule eliminates NASD Rule 3050(a)'s requirement that the executing member use reasonable diligence to determine that the execution of the transaction will not ''adversely affect the interests of the employer member.'' FINRA proposes to delete this requirement because FINRA believes that it is appropriate for the new rule, in combination with new FINRA Rule 3110,[32] to take the approach that the employer member is responsible for supervising its associated persons' trading activities.[33]

• FINRA proposes to delete the account review requirements set forth in NYSE Rule 407(b) and the requirements for written procedures set forth in NYSE Rule 407.11 because these issues are addressed by the proposed rule in combination with FINRA's new supervisory rules, in particular new FINRA Rule 3110(d), which sets forth the new supervisory framework for securities transactions review and investigation.[34]

• As noted earlier, NYSE Rule 407A was intended to address activities of NYSE floor brokers. FINRA proposes to delete NYSE Rule 407A in its entirety from the Transitional Rulebook because proposed FINRA Rule 3210 requires disclosure at the member firm level of the same types of information that Rule 407A requires with respect to the NYSE as to floor brokers. FINRA believes it is more appropriate to require member firms to obtain the required information and to supervise the accounts of their associated persons for improper trading, rather than requiring that such information be sent directly to FINRA. Moreover, as noted above, these reporting requirements were designed to provide the NYSE with current information about where floor members carry securities accounts and to enhance its ability to investigate quickly the trading of securities by such members.

• FINRA proposes to delete NYSE Rule Interpretation 407/01 because it would be superseded by proposed FINRA Rule 3210.02, which as noted earlier expressly provides, among other things, that an associated person is deemed to have a beneficial interest in any account that is held by the spouse of the associated person.

• FINRA proposes to delete NYSE Rule Interpretation 407/02 because it is rendered redundant by new FINRA Rule 3210(a), the scope of which by its terms reaches accounts as specified by the rule in which the associated person has a beneficial interest.

• FINRA proposes to delete language referring to accounts or transactions where the associated person has ''the power, directly or indirectly, to make investment decisions,'' as set forth in NYSE Rule 407(b), and accounts where the associated person has ''discretionary authority,'' as set forth in NASD Rule 3050(b). As discussed above, FINRA believes that, to the extent associated persons make investment decisions or have discretionary authority in contexts that involve private securities transactions within the scope of NASD Rule 3040, as opposed to accounts in which they have a beneficial interest, such transactions are properly addressed by the requirements set forth in Rule 3040 and other FINRA rules as applicable.[35]

If the Commission approves the proposed rule change, FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval. The implementation date will be no later than 365 days following Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[36] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and

[28] As published in the *Notice,* the proposed rule would have specified 15 business days. In response to comment, the proposed rule as revised specifies 30 calendar days so as to reduce burdens on member firms and their associated persons. *See* Item II.C.3 of this filing.

[29] MSRB Rule D–12 defines municipal fund security to mean ''a municipal security issued by an issuer that, but for the application of Section 2(b) of the Investment Company Act of 1940, would constitute an investment company within the meaning of Section 3 of the Investment Company Act of 1940.''

[30] The approach to the referenced types of transactions reflects a longstanding intention under the NASD and NYSE rule that members not be burdened with information collection for transactions that pose limited risk from the standpoint of the rule's supervisory purposes. *See, e.g.,* Securities Exchange Act Release No. 19347 (December 16, 1982), 47 FR 58416 (December 30, 1982) (Proposed Rule Change; File No. SR–NASD–82–25). As discussed further in Item II.C.5 of this filing, the proposed requirement is largely as published in the *Notice.* In response to commenter suggestion, FINRA has added municipal fund securities as defined under MSRB Rule D–12 and Section 529 plans to the transactions set forth under the rule. FINRA is adding these transactions because FINRA believes these types of products are reasonably classed with the types of transactions specified under the current rule in posing limited risk from the standpoint of the rule's supervisory purposes.

[31] As published in the *Notice,* the proposed rule would have *required* the associated person to provide an instruction to the non-member financial institution to provide the specified information to the employer member. As discussed further in Item II.C.1 of this filing, FINRA believes that the requirement as revised permits members flexibility to craft appropriate supervisory policies and procedures in determining whether to provide written consent as to the specified accounts at non-member financial institutions.

[32] *See* Supervisory Rules Filing.

[33] FINRA notes that, notwithstanding this approach, the rule retains the longstanding duty of the executing member to assist the employer member by providing the specified information upon request.

[34] *See* note 5 *supra* and Supervisory Rules Filing.

[35] *See* note 26 *supra.*

[36] 15 U.S.C. 78*o*–3(b)(6).

equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will further the purposes of the Act because, as part of the FINRA rulebook consolidation process, the proposed rule change will help to protect investors and the public interest by streamlining and reorganizing existing rules that promote effective oversight of accounts opened or established by associated persons of members at firms other than the firm with which they are associated. By setting forth the requirements pursuant to which associated persons will seek the prior written consent of the employer member to open or otherwise establish accounts as specified under the rule, and pursuant to which the specified information will be transmitted to the employer member upon the employer member's request, the proposed rule will facilitate the supervision of the trading activities of associated persons within the framework of FINRA's new supervisory rules as approved by the Commission. The proposed rule will also help members ensure that such activities, engaged in at executing members or other financial institutions, do not violate provisions of the Act, its regulations, or FINRA rules, thereby helping to ensure orderly markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Commenters expressed concern that the proposed rule change, as originally published in *Regulatory Notice* 09–22, would have been burdensome to implement and would have resulted in employer members being required to request information from executing members and non-member financial institutions bearing little or no relationship to the scope and nature of the employer member's activities. In response to commenter suggestion, FINRA revised the proposed rule so as to permit members discretion, consistent with their supervisory obligations under new FINRA Rule 3110(d), to request the specified information of executing members and non-member financial institutions, thereby permitting members reasonable flexibility to craft appropriate supervisory policies and procedures according to their business model and the risk profile of their activities. The proposed rule change as revised is thereby consistent with the approach of current NASD Rule 3050, which commenter suggestion supported. FINRA believes that because the proposed rule change, as revised, is consistent with current requirements and longstanding practice, it will not impose additional burdens on members.

The proposed rule change permits members to implement supervisory procedures that align with their business models, without diminishing members' supervisory obligations with respect to the activities of their associated persons. FINRA believes that this proposed approach imposes less cost on members without reducing investor protections. In addition, the proposed rule change deletes a number of requirements in NASD Rule 3050 and NYSE Rule 407 that are rendered outdated by the proposed new rule or are otherwise addressed elsewhere by other FINRA rules, which further minimizes the potential compliance burden on members in light of the objectives of the proposed rule change. FINRA recognizes that providing such flexibility to members may require increased monitoring of members' compliance with this rule as part of FINRA's examination program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment in *Regulatory Notice* 09–22 (April 2009). A copy of the *Notice* is attached as Exhibit 2a. Thirty-three commenters responded to the *Notice,* and a list of the commenters is attached as Exhibit 2b.[37] Copies of the comment letters received in response to the *Notice* are attached as Exhibit 2c.

1. Core Proposed Rule Requirements: Obligation To Provide Duplicate Account Statements and Confirmations

As published in the *Notice,* proposed FINRA Rule 3210(a) in part would have required an employer member, as a condition to giving prior written consent for opening or establishing an account pursuant to the rule, to instruct the associated person to have the executing member provide duplicate account statements and confirmations to the employer member. Paragraph (b) set forth requirements pertaining to the associated person's obligation to notify the executing member or other financial institution in writing of his or her association with the employer member. Paragraph (c) of the rule would have provided in part that the executing member must promptly obtain and implement an instruction from the associated person directing that duplicate account statements and confirmations be provided to the employer member. (With respect to accounts opened at a financial institution other than a member, proposed FINRA Rule 3210.02 as published in the *Notice* would have required the associated person to provide the instruction to the financial institution.)

Commenters generally expressed concern that, as published in the *Notice,* the requirements of proposed Rules 3210(a), (b) and (c) and 3210.02, singly or in combination, are unnecessary for regulatory purposes, are burdensome or difficult for firms to implement, or the rule should be designed to permit members the discretion to determine whether, based on their business model and the risk profile of their activities, they need to require duplicate account statements and confirmations to carry out their supervisory responsibilities.[38] Some of these commenters suggested that involving the associated person in the process of requesting the required data vis-à-vis the executing member creates supervisory risks.[39] A number suggested that it is better practice and more efficient to have the employer member obtain the required data directly from the executing member or non-member institution.[40] A few of the commenters raised concerns about potential difficulties in obtaining the required information from non-members (including foreign non-members).[41] Many questioned the supervisory and regulatory value of requiring firms to collect data pertaining to associated person accounts and transactions bearing little or no relationship to the scope and nature of their firms' activities.[42] Some suggested that current NASD Rule 3050 generally permits members to exercise such discretion and that retaining the approach of the NASD rule would be conducive to more efficient use of regulatory or supervisory resources.[43]

In response, FINRA agrees that the proposal as published in the *Notice* raises issues with respect to the efficient use and conservation of regulatory and

[37] All references to commenters under this Item are to the commenters as listed in Exhibit 2b.

[38] ACLI, CAI, Channel Capital, Charles Schwab, Farmers Financial, FSI, GWFS, Hillard, IBSI, ICI, MWA, NAIBD, National Planning, NMIS, NSCP, PFSI, PSI, Quasar, SIFMA, State Farm, SunTrust, Sykes, UBS, WFA and Witthaut.

[39] National Planning, PSI, SIFMA and UBS.

[40] Charles Schwab, FSI, NMIS, SIFMA and UBS.

[41] Charles Schwab, SIFMA and UBS.

[42] ACLI, CAI, Farmers Financial, GWFS, Hillard, ICI, MWA, National Planning, Quasar, State Farm, SunTrust, Sykes and Witthaut.

[43] CAI, Charles Schwab, Farmers Financial, FSI, National Planning, PFSI and SunTrust.

supervisory resources, as well as to implementation. FINRA has revised proposed FINRA Rule 3210, consistent with NASD Rule 3050, to provide that an executing member must, *upon written request by an employer member,* transmit the duplicate copies of confirmations and statements, or the transactional data contained therein.[44] With respect to accounts at a financial institution other than a member, FINRA has revised the rule to provide that the employer member must consider the extent to which it will be able to obtain, upon written request, duplicate copies of confirmations and statements, or the transactional data contained therein, directly from the institution in determining whether to provide its written consent to an associated person to open or maintain an account subject to the rule.[45] FINRA believes that this approach, based in large part on the longstanding approach of NASD Rule 3050, should provide members reasonable flexibility to craft appropriate supervisory policies and procedures according to their business model and the risk profile of their activities. FINRA reminds members that, in permitting such flexibility, the rule in no way lessens members' supervisory obligations under FINRA rules with respect to the activities of their associated persons.[46]

2. Personal Financial Interest of the Associated Person

As published in the *Notice,* the accounts covered by proposed FINRA Rule 3210 would have reached in part those in which the associated person has a ''personal financial interest.'' The *Notice* stated that ''personal financial interest'' would as a general matter extend to a spouse's account. Commenters expressed concern as to the scope and meaning of the term ''personal financial interest'' and requested that FINRA further define the term, limit its scope, or otherwise provide more specific guidance.[47] Several commenters suggested generally that it would be more effective for the rule to speak to accounts with respect to which the associated person exercises control or authority, rather than having a ''personal financial interest.'' [48]

In response, FINRA is proposing a standard that is consistent with the purpose of NASD Rule 3050 and NYSE Rule 407 [49] while also aligning more clearly with new FINRA Rule 3110(d). Specifically, FINRA has revised the proposed rule to extend to specified accounts in which the associated person has a *beneficial interest.* As discussed earlier, FINRA believes the term ''beneficial interest'' is appropriate because that term is an established and well-understood standard [50] and is consistent with the terms ''directly or indirectly interested,'' as used in NYSE Rule 407(a), ''has any financial interest,'' as used in NYSE Rule 407(b), and accounts or transactions in which the associated person has a ''financial interest,'' as applicable under NASD Rules 3050(b) through (d). Further, the proposed term would align the rule with ''beneficial interest'' as specified under new FINRA Rule 3110(d)(1)(B), which, for purposes of the transaction review and investigation provisions set forth under new FINRA Rule 3110(d)(1), specifies in part accounts ''in which a person associated with the member has a beneficial interest.'' [51] In addition, FINRA is proposing, as Supplementary Material .02 to the rule, to provide that the associated person shall be deemed to have a beneficial interest in any account that is held by: (a) The spouse of the associated person; (b) a child of the associated person or of the associated person's spouse, provided that the child resides in the same household as or is financially dependent upon the associated person; (c) any other related individual over whose account the associated person has control; or (d) any other individual over whose account the associated person has control and to whose financial support the associated person materially contributes. As noted earlier, this proposed language is designed to align with ''covered accounts'' as defined pursuant to new FINRA Rule 3110(d)(4)(A) for purposes of the transaction review and investigation provisions pursuant to Rule 3110(d)(1).[52]

3. Accounts Opened Prior to Association With the Employer Member

As published in the *Notice,* proposed FINRA Rule 3210.01 would have required that if the associated person's account was opened or otherwise established prior to his or her association with the employer member, the associated person would be required to obtain the employer member's written consent to maintain the account within 15 business days of becoming so associated. Commenters suggested that the 15-business-day requirement is too short or restrictive and that the rule should require ''prompt'' notification by the associated person, as under current NASD Rule 3050, or permit a longer specified period.[53] One commenter believed that the rule should not cover previously opened accounts at all.[54]

In response, FINRA notes that it serves a valid regulatory purpose that the proposed rule should extend to accounts opened prior to the associated person's association with the employer member, given that the associated person would have the ability to effect transactions in such accounts. FINRA believes that it is reasonable, from the standpoint of reducing burdens on member firms and their associated persons, to permit a longer amount of time for notification with respect to already-opened accounts and has accordingly revised the rule to permit 30 calendar days.[55]

4. Revocation of Consent To Maintain the Account

As published in the *Notice,* proposed FINRA Rule 3210.04 would have created a new requirement providing that if the employer member does not receive the associated person's duplicate statements and confirmations in a timely manner, the employer member would be required to revoke its consent to maintaining the account and would be required to so notify the executing member or other financial institution in writing. The rule would have required the employer member to promptly obtain records from the executing member that the account was closed.

Commenters generally expressed concern that the proposed requirement is burdensome, poses various difficulties as to implementation, or that FINRA should provide guidance as to how accounts should be closed

[44] *See* proposed FINRA Rule 3210(c).

[45] *See* proposed FINRA Rule 3210.04.

[46] *See* note 5 *supra* and Supervisory Rules Filing.

[47] CAI, Charles Schwab, Farmers Financial, IBSI, ICI, NAIBD, NMIS, NPB, NSCP and SIFMA.

[48] Charles Schwab, Farmers Financial, FSI, NMIS and SIFMA.

[49] *See* note 10 and note 12 *supra.*

[50] FINRA Rule 5130(i)(1) defines ''beneficial interest'' to mean, in part, any economic interest, such as the right to share in gains or losses. *See* note 22 *supra.*

[51] *See* note 5 *supra.*

[52] *See* proposed FINRA Rule 3210.02. Some commenters questioned whether it is legally viable for the proposed rule to reach spouse accounts. *See* Charles Schwab and NPB. In response, FINRA notes that spouse accounts have long been addressed under NYSE Rule Interpretation 407/01. Further, FINRA notes that the rule addresses such accounts as a supervisory matter under FINRA rules for purposes of investor protection and market integrity. *See also* note 5 *supra* and new FINRA Rule 3110(d).

[53] ACLI, CAI, Charles Schwab, FSI, National Planning, NMIS, NSCP, SIFMA and WFA.

[54] Fischer.

[55] *See* proposed FINRA Rule 3210.01.

pursuant to the rule.[56] In response, FINRA has reconsidered the proposed requirement and agrees that it is not necessary, from the standpoint of the rule's regulatory purpose, to prescribe how employer members should respond to the delayed receipt, or non-receipt, of duplicate copies of confirmations, statements or the transactional data contained therein. First, FINRA believes that if an employer member determines, pursuant to the rule, to request such information and does not receive it in a timely fashion, then as a matter of sound supervisory practice the employer member should have in place policies and procedures to address the issue.[57] Second, FINRA notes that the proposed rule as revised requires executing members, upon written request by an employer member, to transmit the duplicate copies of confirmations and statements, or the transactional data contained therein.[58] Finally, FINRA takes note that many commenters requested that FINRA Rule 3210 be designed to permit firms flexibility based upon their business model and the risk profile of their activities.[59] As such, FINRA believes it is appropriate that employer members determine for themselves what would constitute timely receipt of the information required pursuant to the rule, provided such determination is reasonable within the context of their overall supervisory obligations. Accordingly, FINRA has deleted the requirement from the proposed rule as revised.

5. Transactions and Accounts Not Subject to Transmission Requirement

As published in the *Notice,* proposed FINRA Rule 3210.03 would have provided that the requirement to provide to the employer member duplicate account statements and confirmations is not applicable to transactions in unit investment trusts and variable contracts or redeemable securities of companies registered under the Investment Company Act, as amended, or to accounts that are limited to transactions in such securities, or to Monthly Investment Plan type accounts, unless the employer member requests receipt of such duplicate account statements and confirmations.

Commenters suggested that, because they believe the referenced types of transactions and accounts pose little in the way of supervisory risk, they should be exempted from the proposed rule's requirements altogether, similar to the provisions under current NASD Rule 3050(f), or that the proposed rule should expand and update types of transactions and accounts that would be exempted from the rule.[60]

FINRA appreciates members' concern that the new rule should adhere closely to the current NASD requirement. However, FINRA believes that the proposed approach, similar to that reflected in NYSE Rule 407.12, serves a valid regulatory and supervisory purpose, specifically, that the associated person must obtain the employer member's prior written consent with respect to the referenced transactions and accounts, in the manner and to the extent required by the proposed rule. Accordingly, FINRA is proposing FINRA Rule 3210.03 largely as published in the *Notice.* Some commenters made specific suggestions as to the types of transactions and accounts that should be excluded from the requirement that the executing member provide duplicate account confirmations and statements to the employer member upon the employer member's written request.[61] In response, FINRA has added municipal fund securities as defined under MSRB Rule D–12 and qualified Section 529 plans to the referenced types of transactions, as FINRA believes that, of the suggestions proffered, these are similar to the types of transactions specified under current NASD Rule 3050(f) and NYSE Rule 407.12 in posing limited risk from the standpoint of the rule's supervisory purposes. Accordingly, proposed FINRA Rule 3210.03 as revised provides that the requirement (pursuant to paragraph (c) of the proposed rule) that the executing member provide the employer member, upon the employer member's written request, with duplicate account confirmations and statements, or the transactional data contained therein, shall not be applicable to transactions in unit investment trusts, municipal fund securities as defined under MSRB Rule D–12, qualified tuition programs pursuant to Section 529 of the Internal Revenue Code and variable contracts or redeemable securities of companies registered under the Investment Company Act, as amended, or to accounts that are limited to transactions in such securities, or to Monthly Investment Plan type accounts.

6. Information Gathering, Processes and Controls

The *Notice* requested comment on the methodologies that members employ to obtain information pursuant to NASD Rule 3050 and NYSE Rule 407 and the processes and controls that members implement upon receipt of the required information.

Commenters suggested the rule should not impose requirements as to the methodologies that members must use (*e.g.,* receiving the information electronically versus in hard copy) or otherwise limit flexibility as to receiving and handling the information.[62] One commenter suggested FINRA should encourage firms to use a consistent electronic format in transmitting the information.[63] One suggested the proposed rule should state that the information can be received in electronic format.[64] One requested that FINRA specify in the rule a retention period for information received pursuant to the rule.[65]

In response to comments, FINRA has determined not to specify in the proposed rule any particular methodology. To this end, FINRA has revised proposed FINRA Rule 3210(c) to provide for transmission of ''duplicate copies of confirmations and statements, or the transactional data contained therein.'' FINRA does not propose to specify in the rule a particular retention period because such concerns are adequately addressed elsewhere under SEA Rule 17a–4 and FINRA Rule 4511 as appropriate.

7. Implementation Period

Several commenters suggested that FINRA should permit an extended period for implementation of the proposed rule once approved.[66] In response, in establishing an implementation date, FINRA will take into account that firms would need to modify their compliance systems to reflect the new rule's requirements. As stated earlier in this filing, FINRA will

[56] CAI, Charles Schwab, FSI, ICI, J.A. Glynn, National Planning, NSCP, Pagemill, SIFMA, UBS and WFA.

[57] FINRA notes that, with respect to accounts at non-member financial institutions, the proposed rule as revised provides that the employer must consider the extent to which it will be able to obtain, upon written request, duplicate copies of confirmations and statements, or the transactional data contained therein, directly from the non-member financial institution in determining whether to provide its written consent to an associated person to open or maintain such an account.

[58] *See* proposed FINRA Rule 3210(c).

[59] *See, e.g.,* Item II.C.1 of this filing.

[60] ACLI, CAI, Charles Schwab, FSI, Hillard, National Planning, NMIS, NPB, Pacific Select, SIFMA and UBS.

[61] Four commenters specifically suggested qualified Section 529 plans under the Internal Revenue Code. *See* CAI, FSI, NMIS and SIFMA. One suggested all municipal fund securities. *See* FSI. One suggested in addition ETFs and registered insurance products. *See* CAI.

[62] FSI, H & L Equities, ICI, Investors Security, NAIBD, NPB, NSCP, Pagemill, PSI and Taurus.

[63] Pacific Select.

[64] FSI.

[65] H & L Equities.

[66] ACLI, CAI, FSI and SIFMA.

announce such implementation date in a *Regulatory Notice*.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2015–029 on the subject line.

Paper Comments

- Send paper comments in triplicate to Robert W. Errett, Deputy Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2015–029. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2015–029 and should be submitted on or before September 4, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[67]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–20006 Filed 8–13–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, Washington, DC 20549–2736.

Extension:

Rules 3a68–2 and 3a68–4(c);
SEC File No. 270–641, OMB Control No. 3235–0685.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'') is soliciting comments on the existing collection of information provided for Rules 3a68–2 and 3a68–4(c). The SEC plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 3a68–2 creates a process for interested persons to request a joint interpretation by the SEC and the Commodity Futures Trading Commission (''CFTC'') (together with the SEC, the ''Commissions'') regarding whether a particular instrument (or class of instruments) is a swap, a security-based swap, or both (*i.e.*, a mixed swap). Under Rule 3a68–2, a person provides to the Commissions a copy of all material information regarding the terms of, and a statement of the economic characteristics and purpose of, each relevant agreement, contract, or transaction (or class thereof), along with that person's determination as to whether each such agreement, contract, or transaction (or class thereof) should be characterized as a swap, security-based swap, or both (*i.e.*, a mixed swap). The Commissions also may request the submitting person to provide additional information.

The SEC expects 25 requests pursuant to Rule 3a68–2 per year. The SEC estimates the total paperwork burden associated with preparing and submitting each request would be 20 hours to retrieve, review, and submit the information associated with the submission. This 20 hour burden is divided between the SEC and the CFTC, with 10 hours per response regarding reporting to the SEC and 10 hours of response regarding third party disclosure to the CFTC.[1] The SEC estimates this would result in an aggregate annual burden of 500 hours (25 requests × 20 hours/request).

The SEC estimates that the total costs resulting from a submission under Rule 3a68–2 would be approximately $12,000 for outside attorneys to retrieve, review, and submit the information associated with the submission. The SEC estimates this would result in aggregate costs each year of $300,000 (25 requests × 30 hours/request × $400).

Rule 3a68–4(c) establishes a process for persons to request that the Commissions issue a joint order permitting such persons (and any other person or persons that subsequently lists, trades, or clears that class of mixed swap) to comply, as to parallel provisions only, with specified parallel provisions of either the Commodity Exchange Act (''CEA'') or the Securities Exchange Act of 1934 (''Exchange Act''), and related rules and regulations (collectively ''specified parallel provisions''), instead of being required to comply with parallel provisions of both the CEA and the Exchange Act.

The SEC expects ten requests pursuant to Rule 3a68–4(c) per year. The SEC estimates that nine of these requests will have also been made in a request for a joint interpretation pursuant to Rule 3a68–2, and one will not have been. The SEC estimates the total burden for the one request for which the joint interpretation pursuant to 3a68–2 was not requested would be 30 hours, and the total burden associated with the other nine requests would be 20 hours per request because some of the information required to be submitted pursuant to Rule 3a68–4(c) would have already been submitted pursuant to Rule 3a68–2. The burden in both cases is evenly divided between the SEC and the CFTC.

[67] 17 CFR 200.30–3(a)(12).

[1] The burdens imposed by the CFTC are included in this collection of information.

The SEC estimates that the total costs resulting from a submission under Rule 3a68–4(c) would be approximately $20,000 for the services of outside attorneys to retrieve, review, and submit the information associated with the submission of the one request for which a request for a joint interpretation pursuant to Rule 3a68–2 was not previously made (1 request × 50 hours/request × $400). For the nine requests for which a request for a joint interpretation pursuant to Rule 3a68–2 was previously made, the SEC estimates the total costs associated with preparing and submitting a party's request pursuant to Rule 3a68–4(c) would be $6,000 less per request because, as discussed above, some of the information required to be submitted pursuant to Rule 3a68–4(c) already would have been submitted pursuant to Rule 3a68–2. The SEC estimates this would result in an aggregate cost each year of $126,000 for the services of outside attorneys (9 requests × 35 hours/request × $400).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information shall have practical utility; (b) the accuracy of the SEC's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 11, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–20156 Filed 8–13–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of DJSP Enterprises, Inc.; Order of Suspension of Trading

August 12, 2015.

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of current and accurate information concerning the securities of DJSP Enterprises, Inc. (CIK No. 0001436612) (''DJSP''), because there is a lack of adequate and accurate information concerning DJSP's financial statements contained in its Form 20–F filed on April 2, 2010, and in its Forms 6–K furnished on May 28, 2010 and September 22, 2010. DJSP is a British Virgin Islands corporation based in Plantation, Florida with a class of securities that was registered with the Commission pursuant to Section 12(b) of the Securities Exchange Act of 1934 (''Exchange Act'') until June 2011, 90 days after DJSP filed a Form 25 with the Commission voluntary delisting and deregistering its common stock. DJSP's stock is currently quoted on OTC Link, operated by OTC Markets Group, Inc., under the ticker: DJSP.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of DJSP.

Therefore, it is ordered, pursuant to Section 12(k) of the Exchange Act, that trading in the securities of DJSP Enterprises, Inc. is suspended for the period from 9:30 a.m. EDT on August 12, 2015, through 11:59 p.m. EDT on August 25, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20185 Filed 8–12–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75658; File No. SR–OCC–2014–21]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Withdrawal of a Proposed Rule Change in Order To Permit OCC To Adjust the Size of Its Clearing Fund on an Intra-Month Basis

August 10, 2015.

On November 13, 2014, The Options Clearing Corporation (''OCC'') 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 delete the second sentence of OCC Rule 1001(a) in order to permit OCC to adjust the size of its clearing fund on an intra-month basis.[3] On December 2, 2014, the proposed rule change was published in the **Federal Register**.[4] On January 5, 2015, pursuant to Section 19(b)(2)(A)(ii)(II) of the Act,[5] the Commission extended the time period to approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change to March 2, 2015. On March 2, 2015, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change.[6] On May 19, 2015, pursuant to Section 19(b)(2)(B)(ii)(II)(bb),[7] the Commission extended the time period for issuing an order to approve or disapprove the proposed rule change to July 30, 2015. The Commission received no comment letters regarding the proposed rule change.

On July 27, 2015, OCC withdrew the proposed rule change (SR–OCC–2014–21).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–20009 Filed 8–13–15; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA –2014–0071]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Department of the Treasury, Internal Revenue Service (IRS)—Match Number 1310

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on September 30, 2015.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 204.19b–4.

[3] *See* Securities Exchange Act Release No. 73685 (November 25, 2014) 78 FR 71479 (December 2, 2014) (SR–OCC–2014–21).

[4] *Id.*

[5] 15 U.S.C. 78s(b)(2)(A)(ii)(II).

[6] *See* Securities Exchange Act Release No. 74406 (March 2, 2015), 80 FR 12232 (March 6, 2015) (SR–OCC–2014–21).

[7] 15 U.S.C. 78s(b)(2)(B)(ii)(II)(bb).

[8] 17 CFR 200.30–3(a)(12).

renewal of an existing computer matching program that we are currently conducting with IRS.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Department of the Treasury, Internal Revenue Service (IRS)

A. PARTICIPATING AGENCIES

SSA and IRS

B. PURPOSE OF THE MATCHING PROGRAM

The purpose of this matching program is to set forth the terms under which IRS will disclose to us certain return information for the purpose of establishing the correct amount of Medicare Part B (Part B) premium subsidy adjustments and Medicare prescription drug coverage premium increases under sections 1839(i) and 1860D–13(a)(7) of the Social Security Act (Act) (42 U.S.C. 1395r(i) and 1395w–113(a)(7)), as enacted by section 811 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA; Pub. L. 108–173) and section 3308 of the Affordable Care Act of 2010 (Pub. L. 111–148).

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM

The legal authority for this agreement is section 6103(1)(20) of the Internal Revenue Code (IRC 6103(1)(20)), which authorizes IRS to disclose specified return information to us with respect to taxpayers whose Part B and/or prescription drug coverage insurance premium(s) may (according to IRS records) be subject to premium subsidy adjustment pursuant to section 1839(i) or premium increase pursuant to section 1860D–13(a)(7) of the Act for the purpose of establishing the amount of any such adjustment or increase. The return information IRS will disclose includes adjusted gross income and specified tax-exempt income, collectively referred to in this agreement as modified adjusted gross income (MAGI). This return information will be used by officers, employees, and our contractors to establish the appropriate amount of any such adjustment or increase.

Sections 1839(i) and 1860D–13(a)(7) of the Act (42 U.S.C. 1395r(i) and 1395w-113(a)(7)) requires our Commissioner to determine the amount of an enrollee's premium subsidy adjustment, or premium increase, if the MAGI is above the applicable threshold as established in section 1839(i) of the Act (42 U.S.C. 1395r(i)).

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM

We will provide IRS with identifying information with respect to enrollees from the Master Beneficiary Record system of records, SSA/ORSIS 60–0090, published at 71 FR 1826 (January 11, 2006). We will maintain the MAGI data provided by IRS in the Medicare Database system of records, SSA/ORSIS 60–0321, originally published at 69 FR 77816 (December 28, 2004), and revised at 71 FR 42159 (July 25, 2006).

IRS will extract MAGI data from the Return Transaction File, which is part of the Customer Account Data Engine Individual Master File, Treasury/IRS 24.030, published at 77 FR 47948 (August 10, 2012).

E. INCLUSIVE DATES OF THE MATCHING PROGRAM

The effective date of this matching program is October 1, 2015; provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2015–20175 Filed 8–13–15; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

African Growth and Opportunity Act (AGOA): Request for Public Comments on Annual Review of Country Eligibility for Benefits Under AGOA in Calendar Year 2016; Scheduling of Hearing, and Request for Public Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments; notice of hearing.

SUMMARY: This notice announces the initiation the annual review of the eligibility of the sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (AGOA). The AGOA Implementation Subcommittee of the Trade Policy Staff

Committee (Subcommittee) is developing recommendations for the President on AGOA country eligibility for calendar year 2016. The Subcommittee is requesting written public comments for this review and will conduct a public hearing on this matter. The Subcommittee will consider the written comments, written testimony, and oral testimony in developing recommendations for the President. Comments received related to the child labor criteria may also be considered by the Secretary of Labor in the preparation of the Department of Labor's report on child labor as required under section 412(c) of the Trade and Development Act of 2000. This notice identifies the eligibility criteria under AGOA that must be considered under AGOA, and lists those sub-Saharan African countries that are currently eligible for the benefits of AGOA and those that were ineligible for such benefits in 2015. Pursuant to the Trade Preferences Extension Act of 2015 (TPEA), this year's review of the Republic of South Africa's eligibility is being considered in a separate out of cycle review (see 80 FR 43156).

DATES:

September 3, 2015: Deadline for filing requests to appear at the September 10, 2015 public hearing, and for filing pre-hearing briefs, statements, or comments on sub-Saharan African countries' AGOA eligibility.

September 10, 2015: AGOA Implementation Subcommittee of the TPSC will convene a public hearing on AGOA eligibility.

September 16, 2015: Deadline for filing post-hearing briefs, statements, or comments on this matter.

ADDRESSES: USTR strongly prefers electronic submissions made at *www.regulations.gov,* docket number USTR–2015–0011. See ''Requirements for Submission,'' below. If you are unable to make a submission at *www.regulations.gov,* please contact Yvonne Jamison, Office of the U.S. Trade Representative, at (202) 395–3475 to make other arrangements.

FOR FURTHER INFORMATION CONTACT: For procedural questions, please contact Yvonne Jamison, Office of the U.S. Trade Representative, 600 17th Street NW., Room F516, Washington, DC 20508, at (202) 395–3475. All other questions should be directed to Constance Hamilton, Deputy Assistant U.S. Trade Representative for Africa, Office of the U.S. Trade Representative, at (202) 395–9514.

SUPPLEMENTARY INFORMATION: AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106–200) (19 U.S.C. 2466a *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiary sub-Saharan African countries eligible for duty-free treatment for certain additional products not included for duty-free treatment under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the ''1974 Act'')), as well as for the preferential treatment for certain textile and apparel articles.

The President may designate a country as a beneficiary sub-Saharan African country eligible for these benefits of AGOA if he determines that the country meets the eligibility criteria set forth in: (1) Section 104 of AGOA (19 U.S.C. 3703); and (2) section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing, *inter alia:* A market-based economy; the rule of law, political pluralism, and the right to due process; the elimination of barriers to U.S. trade and investment; economic policies to reduce poverty; a system to combat corruption and bribery; and the protection of internationally recognized worker rights. In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Please see section 104 of AGOA and section 502 of the 1974 Act for a complete list of the AGOA eligibility criteria.

Recognizing that concerns have been raised about the compliance with section 104 of AGOA of certain beneficiary sub-Saharan African countries, Section 105(d)(4)(E) of the TPEA (Pub. L. 114–27) requires the President to initiate an out-of-cycle review not later than 30 days after the date of the enactment of the TPEA with respect to whether the Republic of South Africa is meeting the eligibility requirements set forth in section 104 of AGOA and section 502 of the 1974 Act. The Subcommittee is therefore conducting this year's review of South Africa's eligibility under a separate process (see 80 FR 43156).

Section 506A of the 1974 Act provides that the President shall monitor and review annually the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine whether each beneficiary sub-Saharan African country should continue to be eligible, and whether each sub-Saharan African country that is currently not a beneficiary sub-Saharan African country, should be designated as such a country. If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, he must terminate the designation of the country as a beneficiary sub-Saharan African country. Pursuant to the TPEA, however, the President may also withdraw, suspend, or limit the application of duty-free treatment with respect to specific articles from a country if he determines that it would be more effective in promoting compliance with AGOA-eligibility requirements than terminating the designation of the country as a beneficiary sub-Saharan African country.

For 2015, 39 countries were designated as beneficiary sub-Saharan African countries. These countries, as well as the countries currently designated as ineligible, are listed below. The Subcommittee is seeking public comments in connection with the annual review of sub-Saharan African countries' eligibility for AGOA's benefits. The Subcommittee will consider any such comments in developing recommendations to the President related to this review. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the 1974 Act.

The following sub-Saharan African countries were designated as beneficiary sub-Saharan African countries in 2015:

Angola
Republic of Benin
Republic of Botswana
Burkina Faso
Burundi
Republic of Cabo Verde
Republic of Cameroon
Republic of Chad
Federal Islamic Republic of Comoros
Republic of Congo
Republic of Cote d'Ivoire
Republic of Djibouti
Ethiopia
Gabonese Republic
Republic of Ghana
Republic of Guinea
Republic of Guinea-Bissau
Republic of Kenya
Kingdom of Lesotho
Republic of Liberia
Republic of Madagascar
Republic of Malawi
Republic of Mali
Islamic Republic of Mauritania
Republic of Mauritius
Republic of Mozambique
Republic of Namibia

Republic of Niger
Federal Republic of Nigeria
Republic of Rwanda
Sao Tome & Principe
Republic of Senegal
Republic of Seychelles
Republic of Sierra Leone
Republic of South Africa
United Republic of Tanzania
Republic of Togo
Republic of Uganda
Republic of Zambia

The following sub-Saharan African countries were not designated as beneficiary sub-Saharan African countries in 2015:

Central African Republic
Democratic Republic of Congo
The Gambia
Republic of Equatorial Guinea
State of Eritrea
Somalia
Republic of South Sudan
Republic of Sudan
Kingdom of Swaziland
Republic of Zimbabwe

Notice of Public Hearing

In addition to written comments from the public on the matters listed above, the Subcommittee of the TPSC will convene a public hearing at 9:30 a.m. on Thursday, September 10, 2015, to receive testimony related to sub-Saharan African countries' eligibility for AGOA's benefits. Requests to present oral testimony at the hearing and pre-hearing briefs, statements, or comments must be received by September 3, 2015.

The hearing will be held at 1724 F Street NW., Washington, DC 20508 and will be open to the public and to the press. A transcript of the hearing will be made available on *www.regulations.gov* within approximately two weeks of the hearing.

All interested parties wishing to present oral testimony at the hearing must submit, following the ''Requirements for Submissions'' set out below, the name, address, telephone number, and email address, if available, of the witness(es) representing their organization by 5 p.m., Thursday, September 3, 2015. The intent to testify notification must be made in the ''Type Comment'' field under docket number USTR–2015–0011 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 below.

Requirements for Submissions

Persons submitting a notification of intent to testify and/or written comments must do so electronically by 5:00 p.m., Thursday, September 3, 2015, using *www.regulations.gov,* docket number USTR–2015–0011. Instructions for submitting business confidential versions are provided below. Hand-delivered submissions will not be accepted. All written materials must be submitted in English to the Chairman of the AGOA Implementation Subcommittee of the TPSC.

Business Confidential Submissions

An interested party requesting that information contained in a submission be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such. The submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, ''Business Confidential'' must be included in the ''Type Comment'' field. For any submission containing business confidential information, a non-confidential version must be submitted separately (*i.e.,* not as part of the same submission with the confidential version), indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

Public Viewing of Review Submissions

Submissions in response to this notice, except for information granted ''business confidential'' status under 15 CFR 2003.6, will be available for public viewing pursuant to 15 CFR 2007.6 at *www.regulations.gov* upon completion of processing. Such submissions may be viewed by entering the country-specific docket number in the search field at *www.regulations.gov.*

Edward Gresser,

Acting Chair, Trade Policy Staff Committee.

[FR Doc. 2015–20142 Filed 8–13–15; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–49]

Petition for Exemption; Summary of Petition Received; Lockheed Martin Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 3, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–3257 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the

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

FOR FURTHER INFORMATION CONTACT: Thuy H. Cooper (202) 267–4715 Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 7, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–3257.

Petitioner: Lockheed Martin Corporation.

Section(s) of 14 CFR Affected: 91.121.

Description of Relief Sought: The petitioner seeks an exemption to operate its small unmanned aircraft system less than 1,000 feet above ground level.

[FR Doc. 2015–20168 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2015–0010]

Notice of Buy America Waiver for a Variable Refrigerant Flow HVAC System

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America waiver.

SUMMARY: In response to the City of Kansas City, Missouri's request for a Buy America waiver for a Variable Refrigerant Flow (VRF) HVAC system, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for the VRF HVAC system to be installed at the Vehicle Maintenance Facility (VMF) associated with the Kansas City Downtown Streetcar Project. This waiver is limited to a single procurement for the VRF HVAC system for the VMF, an FTA-funded project.

DATES: This waiver is effective immediately.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, FTA Attorney-Advisor, at (202) 366–4011 or *richard.wong@dot.gov*.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that FTA has granted a Buy America non-availability waiver for Kansas City's procurement of a VRF HVAC system for the VMF.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless ''the steel, iron, and manufactured goods used in the project are produced in the United States.'' 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that ''the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,'' then FTA may issue a non-availability waiver. 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

Kansas City requested a non-availability waiver for a VRF HVAC system that will be installed into the VMF. The VMF is being built to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards and will incorporate a number of sustainable and energy efficient elements. One of those elements is a VRF HVAC system that, among other things, is space saving, has invertor technology, efficiency, and a non-ozone depleting refrigerant that domestic manufacturers of HVAC systems do not provide. According to Kansas City, its contractor was directed to evaluate the substitution of a Buy America-compliant Variable Air Volume (VAV) system, but the contractor advised it that the VAV system would endanger the project's LEED Gold certification because of the difference in efficiency between the VAV and VRF HVAC systems. In addition, the substitution of a VAV system would require significant changes to the project, such as the alteration of already-erected structural elements that were designed to accommodate a VRF system and additional design changes and plan reviews by the City of Kansas City.

Kansas City points to two recent non-availability waivers FTA issued to San Bernardino Associated Governments (79 FR 61129, October 9, 2014) and Rock Island County Metropolitan Mass Transit District (79 FR 34653, June 17, 2014), as well as to a blanket non-availability waiver issued by the U.S. Department of Energy (DOE) in 2010 for VRF HVAC systems procured with American Reinvestment and Recovery Act funding (75 FR 35447, June 22, 2010). According to Kansas City, the U.S. DOE's determination of non-availability and FTA's recent SANBAG and Rock Island waivers, as well as Kansas City's contractor's research, indicate that this product is not manufactured domestically. Finally, FTA, in collaboration with the National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership, conducted a nationwide search to determine if any company currently manufactures a compatible VRF system that complies with Buy-America. The search revealed that no company currently can provide a Buy-America compliant VRF system that meets Kansas City's specifications.

On Wednesday, July 22, 2015, and in accordance with 49 U.S.C. 5323(j)(3)(A), FTA published a notice in the **Federal Register** requesting public comment on, among other topics, the merits of Kansas City's waiver request and potential effects of granting the waiver. The public comment period closed on August 5, 2015. No comments were received.

Based on Kansas City's assertions that it is unable to procure a U.S.-manufactured VRF HVAC system, which is critical to obtaining LEED Gold certification, and the fact that no public comments were received, FTA hereby waives its Buy America requirement for manufactured products under 49 CFR 661.5(d) for the VRF HVAC system. This waiver is limited to a single procurement for the VRF HVAC system for Kansas City's VMF project.

Dana Nifosi,

Acting Chief Counsel.

[FR Doc. 2015–19967 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Pilot Program for Expedited Project Delivery

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice: Extension of application deadline

SUMMARY: Pursuant to Section 20008 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, FTA published a Notice for Expressions of Interest (EI) for proposals for the Pilot Program for Expedited Project Delivery on July 7, 2015. Due to a technical issue with the electronic mail address that has been resolved, FTA is extending the application

submission deadline announced in the EI to September 8, 2015.

DATES: Expressions of Interest to become one of the three selected participants in the Pilot Program for Expedited Project Delivery must be submitted to FTA by mail, email or facsimile by September 8, 2015. Mail submissions must be addressed to the Office of Planning and Environment, Federal Transit Administration, 1200 New Jersey Avenue SE., Room E45–119, Washington, DC 20590 and postmarked no later than September 8, 2015. Email submissions must be sent to *ExpeditedProjectDelivery@fta.dot.gov* by 11:59 p.m. EDT on September 8, 2015. Facsimile submissions must be submitted to the attention of Expedited Project Delivery Pilot Program at 202–493–2478 by 11:59 p.m. EST on September 8, 2015. If there are insufficient candidate projects that are able to meet the requirements of the Pilot Program, FTA may conduct additional application rounds.

FOR FURTHER INFORMATION CONTACT: Brian Jackson, FTA Office of Planning and Environment, telephone (202) 366–8520 or email *Brian.Jackson@dot.gov.*

SUPPLEMENTARY INFORMATION: On July 6, 2012, President Obama signed MAP–21 into law (Pub. L. 112–141), which included Section 20008(b), which establishes a Pilot Program for new fixed guideway or core capacity projects as defined under the Section 5309 Capital Investment Grant (CIG) program that demonstrate innovative project development and delivery methods or innovative financing arrangements.

FTA published a Notice for Requests of Expressions of Interest (EI) on July 7, 2015 (80 FR 38801), establishing an application deadline of August 1, 2015. Due to a technical issue with the electronic mail address in the original notice that has since been resolved, FTA is extending the application submission deadline announced in the initial EI to September 8, 2015. Technical instructions on submitting an application were published in the July EI and remain the same.

Signed in Washington, DC.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2015–20037 Filed 8–13–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0150]

Pipeline Safety: Public Workshop on Hazardous Liquid Integrity Verification Process

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is announcing a public workshop to be held on the concept of ''Hazard Liquid Integrity Verification Process (HL IVP).'' The HL IVP is to confirm the Maximum Operating Pressure when pipeline records are not traceable, verifiable, or complete. The Pipeline and Hazardous Materials Safety Administration (PHMSA) held a similar workshop in August 2013 on the Integrity Verification Process for gas transmission pipelines to help address several mandates in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 and National Transportation Safety Board recommendations. At this one day workshop, PHMSA will present the latest information for a proposal for HL IVP and have presentations of perspectives from pipeline operators, state regulatory partners, and the public. Earlier draft material provided to stakeholders along with comments in response from the American Petroleum Institute and the Association of Oil Pipelines are available via the same docket for this workshop.

DATES: The public meeting will be held on Thursday, August 27, 2015.

ADDRESSES: The workshop will be held at the Crystal City Marriott at Reagan National Airport, 1999 Jefferson Davis Highway Arlington, VA, 22202. A limited block of rooms is available at the government rate of $162 per night. The deadline to book a room in the block is August 6, 2015, or when the block is filled, whichever comes first. More information and a link to reserve a room are available on the meeting Web site. You can also call the hotel directly at 1–703–413–5500 and ask for the ''U.S. Department of Transportation Meeting'' block.

The event will also be Webcast. A link to the Webcast will be provided via the meeting Web site when available, but no later than the day of the workshop.

Registration: Members of the public may attend this free workshop. To help assure that adequate space is provided, all attendees are encouraged to register for the workshop in advance via the meeting Web site at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=103.* Onsite registration will also be available.

Comments: Members of the public may also submit written comments either before or after the workshop. Comments should reference Docket No. PHMSA–2014–0150. Comments may be submitted in the following ways:

- *E-Gov Web site: http://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590.

Hand Delivery: DOT Docket Management System, Room W12–140, on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA has received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: Comments will be posted without changes or edits to *http://www.regulations.gov* including any personal information provided. Please see the Privacy Act Statement heading below for additional information.

Privacy Act Statement: Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477).

Information on Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact Max Kieba at 202–493–0595 or by email at *max.kieba@dot.gov.*

FOR FURTHER INFORMATION CONTACT: Max Kieba, Office of Pipeline Safety, at 202–493–0595 or by email at *max.kieba@dot.gov,* regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: More details on this meeting, including the location, times, and agenda items, will be available on the meeting registration

Web site at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=103* as they become available. Please note that the public workshop will be webcast, and presentations will be available via the meeting Web site after the conclusion of the meeting. The workshop will be open to members of the public.

Issued in Washington, DC, on August 11, 2015, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2015–20065 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 8:00 a.m. to 10:00 a.m. (EDT) on Tuesday, September 1, 2015, at Duluth Seaway Port Authority, 1200 Port Terminal Road, Duluth, Minnesota 55802.

The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Thursday, August 27, 2015, Carrie Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, NY 13662; 315–764–3231.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on August 11, 2015.

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2015–20120 Filed 8–13–15; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35946]

Flatiron Rail Inc.—Lease and Operation Exemption—Yreka Western Railroad Company

Flatiron Rail Inc. (FRINC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire by lease from Yreka Western Railroad Company (YW) and to operate 10.2 miles of railroad between mileposts 0.0 near Yreka and 10.2 near Montaque, in Siskiyou County, Cal.

The transaction may be consummated on or after August 30, 2015, the effective date of the exemption (30 days after the exemption was filed).

FRINC certifies that, as a result of this transaction, its projected revenues will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million.

FRINC states that on July 21, 2015, it entered into a memorandum of understanding (memorandum) with YW for FRINC to lease and operate the railroad with an option to purchase the rail line. FRINC certifies that the memorandum contains no interchange commitment between the parties.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than August 21, 2015 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35946, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy must be served on Fritz R. Kahn, 1919 M St. NW., 7th Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV*.

Decided: August 11, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2015–20078 Filed 8–13–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2009–14

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 Revenue Procedure 2009–14, Pre-filing Agreement Program.

DATES: Written comments should be received on or before October 13, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at 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:

Title: Pre-filing Agreement Program.

OMB Number: 1545–1684.

Regulation Project Number: Revenue Procedure 2009–14.

Abstract: This revenue procedure permits a taxpayer under the jurisdiction of the Large Business and International Division (LB&I) to request that the Service examine specific issues relating to tax returns before those returns are filed. This revenue procedure provides the framework within which a taxpayer and the Service may work together in a cooperative environment to resolve, after examination, issues accepted into the program. If the taxpayer and the Service are able to resolve the examined issues before the returns that they affect are filed, this revenue procedure authorizes the taxpayer and the Service to memorialize their agreement by executing an LB&I Pre-Filing Agreement (PFA).

Current Actions: There are no changes to the total burden previously approved for this collection. However, updates are being requested to the estimated number of respondents/recordkeepers and the estimated time per response to be more consistent with taxpayer timeframes. We are making this submission for renewal purposes.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 18.

Estimated Time per Response: 729 hours, 40 minutes.

Estimated Total Annual Burden Hours: 13,134.

The following paragraph applies to all the collections of information covered by this notice.

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 10, 2015.

Christie Preston,

IRS, Reports Clearance Officer.

[FR Doc. 2015–20089 Filed 8–13–15; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES SENTENCING COMMISSION

Final Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2015, the Commission published a notice of possible policy priorities for the amendment cycle ending May 1, 2016. *See* 80 FR 36594 (June 25, 2015). After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jeanne Doherty, Public Affairs Officer, 202–502–4502, *jdoherty@ussc.gov*.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2016. The Commission recognizes, however, that other factors, such as the enactment of any legislation requiring Commission action, may affect the Commission's ability to complete work on any or all of its identified priorities by the statutory deadline of May 1, 2016. Accordingly, it may be necessary to continue work on any or all of these issues beyond the amendment cycle ending on May 1, 2016.

As so prefaced, the Commission has identified the following priorities:

(1) Continuation of its work with Congress and other interested parties on statutory mandatory minimum penalties to implement the recommendations set forth in the Commission's 2011 report to Congress, titled *Mandatory Minimum Penalties in the Federal Criminal Justice System,* including its recommendations regarding the severity and scope of mandatory minimum penalties, consideration of expanding the ''safety valve'' at 18 U.S.C. 3553(f), and elimination of the mandatory ''stacking'' of penalties under 18 U.S.C. 924(c), and to develop appropriate guideline amendments in response to any related legislation.

(2) Continuation of its multi-year examination of the overall structure of the guidelines post-*Booker,* possibly including recommendations to Congress on any statutory changes and development of any guideline amendments that may be appropriate. As part of this examination, the Commission intends to study possible approaches to (A) simplify the operation of the guidelines, promote proportionality, and reduce sentencing disparities, (B) appropriately account for the defendant's role, culpability, and relevant conduct, and (C) encourage the use of alternatives to incarceration.

(3) Continuation of its multi-year study of statutory and guideline definitions relating to the nature of a defendant's prior conviction (*e.g.,* ''crime of violence,'' ''aggravated felony,'' ''violent felony,'' ''drug trafficking offense,'' and ''felony drug offense'') and the impact of such definitions on the relevant statutory and guideline provisions (*e.g.,* career offender, illegal reentry, and armed career criminal), possibly including recommendations to Congress on any statutory changes that may be appropriate and development of guideline amendments that may be appropriate.

(4) Continuation of its study of the guidelines applicable to immigration offenses and related criminal history rules, and consideration of any amendments to such guidelines that may be appropriate in light of the information obtained from such study.

(5) Continuation of its comprehensive, multi-year study of recidivism, including (A) examination of circumstances that correlate with increased or reduced recidivism; (B) possible development of recommendations for using information obtained from such study to reduce costs of incarceration and overcapacity of prisons; and (C) consideration of any amendments to the *Guidelines Manual* that may be appropriate in light of the information obtained from such study.

(6) Continuation of its multi-year review of federal sentencing practices pertaining to imposition and violations of conditions of probation and supervised release, including possible

consideration of amending the relevant provisions in Chapters Five and Seven of the *Guidelines Manual.*

(7) Continuation of its work with Congress and other interested parties on child pornography offenses to implement the recommendations set forth in the Commission's December 2012 report to Congress, titled *Federal Child Pornography Offenses.*

(8) Implementation of the USA FREEDOM Act of 2015, Public Law 114–23, and any other crime legislation enacted during the 114th Congress warranting a Commission response.

(9) Study of animal fighting offenses and consideration of any amendments to the *Guidelines Manual* that may be appropriate.

(10) Possible consideration of amending the policy statement pertaining to ''compassionate release,'' § 1B1.13 (Reduction in Term of Imprisonment as a Result of Motion by Director of Bureau of Prisons).

(11) Resolution of circuit conflicts, pursuant to the Commission's continuing authority and responsibility, under 28 U.S.C. 991(b)(1)(B) and *Braxton* v. *United States,* 500 U.S. 344 (1991), to resolve conflicting interpretations of the guidelines by the federal courts.

(12) Consideration of any miscellaneous guideline application issues coming to the Commission's attention from case law and other sources.

Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 5.2.

Patti B. Saris,

Chair, United States Sentencing Commission.

[FR Doc. 2015–20109 Filed 8–13–15; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection—The Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization Under OMB Review

AGENCY: Office of Small and Disadvantaged Business Utilization (OSDBU), The Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that OSDBU, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 14, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900—NEW (Post Engagement)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900—NEW (Post Engagement)''

SUPPLEMENTARY INFORMATION:

Title: Post Engagement.

OMB Control Number: 2900—NEW.

Type of Review: New collection.

Abstract: The Office of Small and Disadvantaged Business Utilization (OSDBU) needs to measure the return on investment (ROI) the National Veteran Small Business Engagement provides to VA and its attendees. VA intends to gather data that will allow OSDBU to measure the efficiency of this event, to learn how to better serve its stakeholders needs, and to share this information with potential attendees.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 80 FRN 26640 on May 8, 2015.

Affected Public: NVSBE attendees, to include federal employees, small business owners, commercial corporations, and prime contractors.

Estimated Annual Burden: 117 hours.

Estimated Average Burden per Respondent: 7 minutes.

Frequency of Response: Every year after the NVSBE.

Estimated Number of Respondents: 1,000 per year.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–19963 Filed 8–13–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0648]

Agency Information Collection (Foreign Medical Program Application and Claim Cover Sheet) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 14, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0648'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0648'' (Foreign Medical Program Application and Claim Cover Sheet) in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles

1. Foreign Medical Program (FMP) Registration Form.

2. CLAIM COVER SHEET—FOREIGN MEDICAL PROGRAM (FMP).

OMB Control Number: 2900–0648.

Type of Review: Extension of a currently approved collection.

Abstracts

This information collection is needed to carry out the health care benefits allowed by the Foreign Medical Program (FMP). It is a federal health benefits program for Veterans administered by the Department of Veterans Affairs (VA) Veterans Health Administration (VHA). FMP is a Fee for Service (indemnity plan) program. FMP provides reimbursement for VA adjudicated service-connected conditions. Title 38 CFR 17.35 states that the VA will provide coverage for the Veteran's service-connected disability when the Veteran is residing or traveling overseas.

VA Form 10–7959f–1, Foreign Medical Program (FMP) Registration Form, is used to register into the Foreign Medical Program those Veterans with service-connected disabilities that are living or traveling overseas. Title 38 CFR 17.125(d) states that requests for consideration of claim reimbursement from approved health care providers and Veterans are to be mailed to VHA Health Administration Center (HAC). The VA Form 10–7959f–2, Claim Cover Sheet—Foreign Medical Program streamlines the claims submission process for claimants or physicians while also reducing the time spent by VA on processing FMP claims. The cover sheet will allow foreign providers/Veterans with a better understanding of basic information required for the processing and payment of claims.

Affected Public: Individuals or households.

Estimated Annual Burden

a. Foreign Medical Program (FMP) Registration Form—fill, VA Form 10–7959f–1—111 hours.

b. CLAIM COVER SHEET—FOREIGN MEDICAL PROGRAM (FMP)—fill, VA Form 10–7959f–2—3,652 hours.

Estimated Average Burden per Respondent

a. Foreign Medical Program (FMP) Registration Form—fill, VA Form 10–7959f–1—4 minutes.

b. CLAIM COVER SHEET—FOREIGN MEDICAL PROGRAM (FMP)—fill, VA Form 10–7959f–2—11 minutes.

Frequency of Response

a. Foreign Medical Program (FMP) Registration Form—fill, VA Form 10–7959f–1—Annually

b. CLAIM COVER SHEET—FOREIGN MEDICAL PROGRAM (FMP)—fill, VA Form 10–7959f–2—12 times a year.

Estimated Annual Responses

a. Foreign Medical Program (FMP) Registration Form—fill, VA Form 10–7959f–1—1,660.

b. CLAIM COVER SHEET—FOREIGN MEDICAL PROGRAM (FMP)—fill, VA Form 10–7959f–2—19,920.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–19965 Filed 8–13–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0090]

Agency Information Collection (Application for Voluntary Service VA Form 10–7055 and Associated Internet Application)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 14, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0090 (Application for Voluntary Service VA Form 10–7055 and Associated Internet Application)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0090'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles: Application for Voluntary Service VA Form 10–7055 and Associated Internet Application.

OMB Control Number: 2900–0900, (Application for Voluntary Service VA Form 10–7055 and Associated Internet Application).

Type of Review: Revision.

Abstract: This application (VA Form 10–7055 and the associated web form) will be here-in-after referred to as the form. The form is used to assist

personnel of volunteer organizations, which recruit volunteers from their membership, and the Department of Veterans Affairs (VA) in the selection, screening and placement of volunteers in the nationwide VA Voluntary Service program. The volunteer program supplements the medical care and treatment of veteran patients in all VA medical centers. This form is necessary to assist in determining the suitability and placement of potential volunteers. The information is collected under the authority of 38 U.S.C. 7405(a)

Affected Public: Individuals or Households.

Estimated Annual Burden: 8,000 burden hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 32,000.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–19966 Filed 8–13–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0358]

Proposed Information Collection (Supplemental Information for Change of Program or Re-Enrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's entitlement to VA educational assistance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 13, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0358'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Supplemental Information for Change of Program or Re-enrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873.

OMB Control Number: 2900–0358.

Type of Review: Revision of a currently approved collection.

Abstract: The information from the claimant enables claims examiners to evaluate the suitability of a training program or evaluate the reasons for unsatisfactory attendance, conduct, or progress. The number of claimants is expected to increase due to chapter 33 (Post 9/11 GI Bill).

Affected Public: Individuals or households.

Estimated Annual Burden: 21,769 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 43,536.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–20096 Filed 8–13–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection—The Department of Veterans Affairs (VA) Office of Small and Disadvantaged Business Utilization (OSDBU) Under OMB Review

AGENCY: Office of Small and Disadvantaged Business Utilization (OSDBU), the Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that OSDBU, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 14, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900—NEW (Awards & ROI)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900—NEW (Awards & ROI).''

SUPPLEMENTARY INFORMATION:

Title: Awards & ROI.

OMB Control Number: 2900—NEW.

Type of Review: New collection.

Abstract: The OSDBU needs to measure the return on investment received by attendees of the 2014 National Veteran Small Business Engagement (NVSBE). This will be determined by the incidence of federal

and commercial contracts and subcontracts received by large and small business as result of their participation at this event, and the benefits received by connecting with decision makers during the engagement.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 80 FR 29159 on May 20, 2015.

Small Business Awards & Return on Investment

Affected Public: Small business representatives that attended the NVSBE.

Estimated Annual Burden: 30 hours.

Estimated Average Burden per Respondent: 3 minutes.

Frequency of Response: Once a year, 6 months after the NVSBE.

Estimated Number of Respondents: 600 per year.

Large Business—Awards and Return on Investment

Affected Public: Large business representatives that attended the NVSBE.

Estimated Annual Burden: 10 hours.

Estimated Average Burden per Respondent: 3 minutes.

Frequency of Response: Once a year, 6 months after the NVSBE.

Estimated Number of Respondents: 200 per year.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–19964 Filed 8–13–15; 8:45 am]

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FEDERAL REGISTER

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Part II

Securities and Exchange Commission

17 CFR Parts 240 and 249
Registration Process for Security-Based Swap Dealers and Major Security-Based Swap Participants; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34–75611; File No. S7–40–11]

RIN 3235–AL05

Registration Process for Security-Based Swap Dealers and Major Security-Based Swap Participants

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the ''Commission'') is adopting new Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W in accordance with Section 15F of the Securities Exchange Act of 1934 (the ''Exchange Act''). Section 15F, which was added to the Exchange Act by Section 764(a) of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), requires the Commission to issue rules to provide for the registration of security-based swap dealers (''SBS Dealers'') and major security-based swap participants (''Major SBS Participants'') (collectively, ''SBS Entities''). These new rules and forms establish a process by which SBS Entities can register (and withdraw from registration) with the Commission.

DATES: *Effective Date:* October 13, 2015.

Compliance Date: The later of: Six months after the date of publication in the **Federal Register** of a final rule release adopting rules establishing capital, margin and segregation requirements for SBS Entities; the compliance date of final rules establishing recordkeeping and reporting requirements for SBS Entities; the compliance date of final rules establishing business conduct requirements under Exchange Act Sections 15F(h) and 15F(k); or the compliance date for final rules establishing a process for a registered SBS Entity to make an application to the Commission to allow an associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on the SBS Entity's behalf.

Counting Date: For purposes of complying with the registration and other requirements, persons are not required to begin calculating whether their activities meet or exceed the thresholds established in Exchange Act Rules 3a71–2, 3a67–3, and 3a67–5 until two months prior to the Compliance Date of these rules.

FOR FURTHER INFORMATION CONTACT: Paula Jenson, Deputy Chief Counsel; Joseph Furey, Assistant Chief Counsel; Bonnie Gauch, Senior Special Counsel; Joanne Rutkowski, Senior Special Counsel; or Jonathan Shapiro, Special Counsel; (202) 551–5550; Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

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I. Background

A. Dodd-Frank Act

Section 764 of the Dodd-Frank Act added Section 15F to the Exchange Act to require the Commission to adopt rules to provide for registration of SBS Entities. Section 15F(a) of the Exchange Act prohibits any person from acting as a ''security-based swap dealer'' [1] or

[1] *See* Exchange Act Section 3(a)(71)(A) [15 U.S.C. 78c(71)(A)] and Rule 3a71–1 [17 CFR 240.3a71–1]. *See also, Further Definition of ''Swap Dealer,''*

''major security-based swap participant'' [2] without being registered with the Commission.[3] Section 15F(b)(1) further states that a person ''shall register as a security-based swap dealer or major security-based swap participant by filing a registration application with the Commission,'' and Section 15F(b)(2)(A) states that ''[t]he application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.'' In addition, Section 15F(d)(1) of the Exchange Act directs the Commission to ''adopt rules for persons that are registered as [SBS Entities] under [Section 15F].''

B. Proposed Rules

The Commission proposed new rules 15Fb1–1 through 15Fb6–1 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C, and SBSE–W to establish a process by which SBS Entities could register (and withdraw from registration) with the Commission.[4] As described in the Registration Proposing Release, this process was designed to be comprehensive, and included, among other things: (1) A requirement to amend an inaccurate application for registration; (2) procedures for succession to, or withdrawal from, registration; (3) procedures for the Commission to cancel or revoke registration; (4) a requirement for an SBS Entity to certify that none of its associated persons that effect, or are involved in effecting, security-based swaps on the SBS Entity's behalf is subject to statutory disqualification; and (5) special requirements applicable to nonresident SBS Entities relating to service of process, opinion of counsel, Commission access to documents and Commission onsite examinations.

The Commission re-proposed Forms SBSE, SBSE–A, and SBSE–BD in May 2013.[5] Among other things, the re-proposed Forms provide registrants with a method to provide the Commission with information regarding the registrant's intent to rely on a substituted compliance determination by the Commission with respect to those requirements in Exchange Act Section 15F and the rules and regulations thereunder for which the Commission determines that substituted compliance may be available.

In general, the proposed rules would have required an SBS Entity to register with the Commission by filing either Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, electronically. The Commission would have then either granted conditional registration to the SBS Entity or initiated proceedings to deny registration. Once all of the substantive requirements applicable to SBS Entities were adopted by the Commission, the SBS Entity would have been required to electronically file Form SBSE–C, a certification signed by a knowledgeable senior officer stating that, to the best of that person's knowledge the SBS Entity had the operational, financial, and compliance capabilities to act as an SBS Dealer or Major SBS Participant, as appropriate. Upon receipt of that certification, the Commission would have either granted ongoing registration or instituted proceedings to deny such registration.

The Commission's proposed registration requirements for SBS Entities were largely modeled after the registration regime applicable to broker-dealers,[6] while also taking into account the Commodity Futures Trading Commission's (CFTC's) registration requirements for intermediaries.[7] This approach was designed to both ease the regulatory burden on market participants that register as both an SBS Entity and a broker-dealer by establishing a consistent and complementary registration regime, and to avoid unnecessary duplication by permitting SBS Entities that are otherwise registered or registering as intermediaries with either the Commission or the CFTC to complete simplified application forms.

C. Comments Received

In the Registration Proposing Release, the Commission requested comment on all aspects of the proposal, including specific questions and a number of more general requests. The Commission originally received four comment letters in response to the proposed rules and forms.[8] The Commission later received 31 additional comment letters in response to the reopening of comment periods for certain proposals applicable to security-based swaps.[9] Of those comment letters, one letter (from six industry groups) requested an extension of time to provide comment, and six specifically commented on the proposed registration process and forms.[10]

The Commission also received 38 comment letters in response to the Cross-Border Proposing Release, which re-proposed Regulation SBSR and certain rules and forms relating to the registration of SBS Entities.[11] Of those,

''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant,'' Exchange Act Release No. 66868 (Apr. 27, 2012), 77 FR 30596 (May 23, 2012) (''Intermediary Definitions Adopting Release'') and *Application of ''Security-Based Swap Dealer'' and ''Major Security-Based Swap Participant'' Definitions to Cross-Border Security-Based Swap Activities,* Exchange Act Release No. 72472 (Jun. 25, 2014), 79 FR 47278 (Aug. 12, 2014) (''Cross-Border Adopting Release'').

[2] *See* Exchange Act Section 3(a)(67)(A) [15 U.S.C. 78c(67)(A)] and Rule 3a67–1 [17 CFR 240.3a67–1]. *See also,* the Intermediary Definitions Adopting Release and Cross-Border Adopting Release.

[3] *See Temporary Exemptions and Other Temporary Relief, Together With Information on Compliance Dates for New Provisions of the Securities Exchange Act of 1934 Applicable to Security-Based Swaps,* Exchange Act Release No. 64678 (Jun. 15, 2011), 76 FR 36287, 36299–300 (Jun. 22, 2011) (the ''Effective Date Release'').

[4] *Registration of Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release No. 65543 (Oct. 12, 2011), 76 FR 65784 (Oct. 24, 2011) (the ''Registration Proposing Release'').

[5] *See Cross-Border Security-Based Swap Activities; Re-Proposal of Regulation SBSR and Certain Rules and Forms Relating to the Registration of Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release No. 69490 (May 1, 2013), 78 FR 30968 (May 23, 2013) (''Cross-Border Proposing Release'').

[6] This includes rules promulgated under Sections 15(b) and 17(a) of the Exchange Act.

[7] 17 CFR 3.1 *et. seq.* Futures commission merchants (''FCMs'') and introducing brokers presently register with the CFTC by filing Form 7–R with the National Futures Association (''NFA''). On January 11, 2012, the CFTC issued final rules requiring swap dealers and major swap participants to become and remain members of a registered futures association (the NFA is presently the only registered futures association) and amending Rule 3.10 to include swap dealers and major swap participants to the list of entities that must register by filing Form 7–R with the NFA. *Registration of Swap Dealers and Major Swap Participants,* 77 FR 2613 (Jan. 19, 2012) (the ''CFTC Final Registration Rules''). At the same time, the CFTC delegated to NFA the authority to process swap dealer and major swap participant registration applications. *See Performance of Registration Functions by National Futures Association With Respect To Swap Dealers and Major Swap Participants,* 77 FR 2708 (Jan. 19, 2012).

[8] Comments were received from Chris Barnard of Germany, dated Oct. 24, 2011 (the ''2011 Barnard Letter''); the Securities Industry and Financial Markets Association, dated Dec. 16, 2011 (the ''SIFMA Letter''); and Better Markets, Inc., dated Dec. 19, 2011 (the ''2011 Better Markets Letter''). One other comment letter directed to the Registration Proposing Release file did not address the content of that release.

[9] *Reopening of Comment Periods for Certain Rulemaking Releases and Policy Statement Applicable to Security-Based Swaps Proposed Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act,* Exchange Act Release No. 69491 (May 1, 2013), 78 FR 30800 (May 23, 2013) (''Release Reopening the Comment Period'').

[10] *See* letters from: The Association of Financial Guaranty Insurers, dated Jul. 22, 2013 (the ''AFGI Letter''); Better Markets, Inc., dated Jul. 22, 2013 (the ''2013 Better Markets Letter''); the Institute of International Finance, dated Aug. 8, 2013 (the ''IIF Letter''); the Institute of International Bankers, dated Aug. 21, 2013 (the ''IIB Letter''); the European Commission, dated Aug. 21, 2013 (the ''EC Letter''); and Nomura Global Financial Products, Inc., dated September 10, 2014 (the ''Nomura Letter'').

[11] Twenty-five persons submitted the same comment letter in response to both the Release

Continued

three commented on the proposed registration process and forms.[12]

While commenters generally supported the proposed rules, a few raised various concerns, including whether a senior officer certification should be required; whether the Commission should require an independent pre-registration review of applicants; whether the Commission should require that SBS Entities investigate their associated persons; and whether nonresident applicants should be required to provide an opinion of counsel as to whether they can provide records to the Commission and allow the Commission to inspect them. Many commenters, while not commenting on the registration process, generally commented that the Commission should model its rules on those adopted by the CFTC in order to reduce the impact on market participants.

D. Summary of Final Rules

The registration rules and Forms the Commission is adopting today largely follow those proposed, with certain modifications.[13] In particular, as explained more fully below, we are adopting the following rules:[14]

- Rule 15Fb1–1 specifies the format and certain requirements for signatures to electronic submissions (including signatures within the forms and certifications required by Rules 15Fb2–1, 15Fb2–4 and 15Fb6–2, discussed below).
- Rule 15Fb2–1 describes the process through which an SBS Entity can apply for registration with the Commission. This Rule identifies the Form of application various types of entities must use to register, how such application must be filed, and the standard the Commission will use to determine whether to grant registration. Under Rule 15Fb2–1, an application for registration of an SBS Entity must be filed on Form SBSE, Form SBSE–A or Form SBSE–BD, as appropriate. An applicant also must file Form SBSE–C as part of its application, which includes two separate certifications. One of those certifications, provided for in Rule 15Fb2–1(b), requires a senior officer of the applicant to certify that, after due inquiry, he or she has reasonably determined that the applicant has developed and implemented written policies and procedures reasonably designed to prevent violations of the federal securities laws and the rules thereunder, and that he or she has documented the process by which he or she reached such determination (the ''Senior Officer Certification'').
- Rule 15Fb2–3 requires an SBS Entity to promptly file an amendment where the information contained in its Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable, or in any amendment thereto, is or has become inaccurate for any reason.
- Rule 15Fb2–4 requires that nonresident SBS Entities obtain a U.S. agent for service of process and an opinion of counsel determining that they can, as a matter of law, provide the Commission with access to their books and records and submit to onsite examination. Rule 15Fb2–4 also requires that, as part of their applications, these entities provide the Commission with information regarding their agent for service of process and certify that they can, as a matter of law, and will provide the Commission with access to their books and records and submit to onsite examination.
- Rule 15Fb2–5 provides a process through which an SBS Entity may succeed to the business of another SBS Entity.
- Rule 15Fb2–6 provides a process through which an executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy or other fiduciary appointed or qualified by order, judgment or decree of a court of competent jurisdiction may continue the business of an SBS Entity.
- Rule 15Fb3–1 concerns the duration of registration and provides that an SBS Entity will continue to be registered until the effective date of any cancellation, revocation or withdrawal of registration.
- Rule 15Fb3–2 provides a process by which an SBS Entity may withdraw from registration with the Commission.
- Rule 15Fb3–3 provides a process by which the Commission may cancel or revoke the registration of an SBS Entity.
- Rule 15Fb6–1 provides that unless otherwise ordered by the Commission, when it files an application to register with the Commission as an SBS Dealer or Major SBS Participant, an SBS Entity may permit a person that is associated with it that is not a natural person and that is subject to statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, provided that the statutory disqualification(s), described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)), occurred prior to the compliance date of this rule, and provided that it identifies each such associated person on Schedule C of Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate.
- Rule 15Fb6–2 requires that the Chief Compliance Officer (''CCO'') of an SBS Entity certify on Form SBSE–C that it neither knows, nor in the exercise of reasonable care should have known, that any person associated with it who effects or is involved in effecting security-based swaps on its behalf is subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission (the ''CCO Certification Regarding Associated Persons''). This rule also requires that to support the certification, the CCO, or his or her designee, review and sign the questionnaire or application for employment executed by each of the

Reopening the Comment Period and the Cross-Border Proposing Release.

[12] All of those persons submitted the same letter to both the Release Reopening the Comment Period and the Cross-Border Proposing Release. These include the IIF Letter, the IIB Letter, and the EC Letter.

[13] The Commission asked questions regarding limited registration in the Registration Proposing Release. *See* Registration Proposing Release, 76 FR at 65795, questions 62 through 66. We received one comment on this issue, which contended that ''the Commission should allow for limited designation and registration, including by trading unit, type of activity and type of counterparty.'' *See* the SIFMA Letter, at 10–11. The Commission later adopted Rule 3a71–1(c), in the Intermediary Definitions Adopting Release, to provide that ''a person that is a security-based swap dealer in general shall be deemed to be a security-based swap dealer with respect to each security-based swap it enters into, regardless of the type, class, or category of the security-based swap or the person's activities in connection with the security-based swap, unless the Commission limits the person's designation as a security-based swap dealer to specified types, classes, or categories of security-based swaps or specified activities of the person in connection with security-based swaps.'' In that release, the Commission and the CFTC stated that the SEC expects to address the process for submitting an application for limited designation as a security-based swap dealer, along with principles to be used by the Commission in analyzing such applications, as part of separate rulemakings. *See* Intermediary Definitions Adopting Release, footnote 573. The Commission has not yet addressed a process through which firms could submit an application for limited designation as a security-based swap dealer. In order to evaluate a process for limited registration, the Commission would need to consider how the substantive rules should be applied to entities that might be subject to limited designations. In light of the fact that the Commission has not yet adopted all rules implementing the Title VII regime that may affect how firms structure their security-based swap business and market practices more generally, the Commission is not addressing limited designation at this time.

[14] If any provision of these rules, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

SBS Entity's associated persons who are natural persons and effect or are involved in effecting security-based swaps on behalf of the SBS Entity.

In addition, the Commission is adopting the following forms:

- Form SBSE–BD, the registration form for SBS Entities registered or registering with the Commission as broker-dealers;
- Form SBSE–A, the registration form for SBS Entities registered or registering with the CFTC as swap dealers or major swap participants (and not also registered or registering with the Commission as broker-dealers);
- Form SBSE, the registration form for SBS Entities that do not fit either of the above categories;
- Form SBSE–C, the certification form for SBS entity applicants containing the Senior Officer Certification required by Rule 15Fb2–1(b) and the CCO Certification Regarding Associated Persons required by Rule 15Fb6–2(a).
- Form SBSE–W, the form that SBS Entities would file for notice of withdrawal from registration.

The Commission is not adopting proposed Rule 15Fb2–2T, which would have required SBS Entities, among other things, to file their applications in paper form, because the EDGAR system will be updated to receive these application Forms before the effective date of these rules.[15]

In developing these rules and forms, Commission staff consulted and coordinated with the CFTC and the prudential regulators.[16]

II. Final Exchange Act Rules and Forms

A. Registration Application and Amendment

1. Rule 15Fb2–1

Rule 15Fb2–1, as adopted, describes the process through which an SBS Entity will apply for registration with the Commission. As set forth in the rule, each SBS Entity will complete and submit an application Form electronically. The Rule also requires that a senior officer of the SBS Entity must certify, on Form SBSE–C, that, after due inquiry, he or she has reasonably determined that the SBS Entity has developed and implemented written policies and procedures reasonably designed to prevent violations of the federal securities laws and the rules thereunder, and that he or she has documented the process by which he or she reached such determination. In addition, the rule prescribes the timing of such filings and the standard of review that will be applied by the Commission in determining whether to grant registration or institute proceedings to deny registration. While it may be appropriate for certain rules applicable to SBS Dealers to differ from those applicable to Major SBS Participants, the Commission believes that the registration rules and forms need not differ because the of information the Commission will need to review to determine whether to grant registration or institute proceedings to deny such registration is similar for both types of entities.

i. Form of Application

As proposed, paragraph (a) of Rule 15Fb2–1 provided that an SBS Entity could apply for registration by filing either Form SBSE, Form SBSE–A, or Form SBSE–BD. The Commission proposed three separate Forms to recognize that, if an entity is already registered with the Commission or the CFTC, the Commission can otherwise access certain information on that registrant.[17]

As proposed, an SBS Entity that has filed Form BD via FINRA's Central Registration Depository (or ''CRD'') system to register as a broker-dealer would be able to use Form SBSE–BD to register with the Commission as an SBS Entity. Similarly, an SBS Entity that has filed Form 7–R with the CFTC (or its designee) to register as a swap dealer or major swap participant would be able to use Form SBSE–A to register with the Commission as an SBS Entity.[18] All others would be required to use Form SBSE to register with the Commission as an SBS Entity. Form SBSE is, necessarily, a longer form because the entities using it would not have already submitted any of the requisite information the Commission can otherwise access. In the Cross-Border Proposing Release, the Commission re-proposed these registration forms to add questions relating to substituted compliance.[19]

In general, commenters supported the application of SBS Entities via the use of these multiple Forms.[20] The Commission is adopting paragraph (a) of Rule 15Fb2–1, as proposed, with two modifications. We have added a sentence stating that applicants shall also file as part of their application the required certifications on Form SBSE–C (§ 249.1600c of this chapter). This is designed to clarify that the application for registration includes the certifications.[21] We also made a technical change to increase the precision of paragraph (a) of Rule 15Fb2–1 by replacing the phrase ''in accordance with this section'' with the phrase ''in accordance with paragraph (c)'' because paragraph (c) specifies the method by which applicants must file their application forms.[22]

ii. Senior Officer Certification

Proposed Rule 15Fb2–1(b)(1) and Form SBSE–C would have required that a knowledgeable senior officer of the SBS Entity certify that, after due inquiry, he or she has reasonably determined that the SBS Entity has the operational, financial, and compliance capabilities to act as an SBS Entity. In addition, the proposed Rule would have required that the senior officer certify that he or she had documented the process by which he or she reached that determination.[23]

Two commenters took issue with the proposed Senior Officer Certification.[24]

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[15] *See infra,* Section II.A.1.iv.

[16] Section 712(a)(2) of the Dodd-Frank Act provides in part that the Commission shall ''consult and coordinate to the extent possible with the Commodity Futures Trading Commission and the prudential regulators for the purpose of assuring regulatory consistency and comparability, to the extent possible.''

[17] The Commission will be able to access information on registered broker-dealers through its access to the CRD system. Form SBSE–A, which would apply to entities already registered with the CFTC, requires that firms filing that form also submit a copy of the Form 7–R they file with NFA. *See* 17 CFR 3.10(a) (which generally requires that ''application for registration as a futures commission merchant, retail foreign exchange dealer, swap dealer, major swap participant, introducing broker, commodity pool operator, commodity trading advisor, or leverage transaction merchant must be on Form 7–R, completed and filed with the NFA in accordance with the instructions thereto''). *See also supra,* footnote 7.

[18] According to the instructions on Form SBSE–A, the applicant would also need to attach a copy of the Form 7–R they filed with NFA to the Form SBSE–A.

[19] *See supra,* footnote 5 and accompanying text.

[20] *See* 2011 Barnard Letter, at 3 and SIFMA Letter, at 4.

[21] As discussed in more detail in Section II.A.iii. below, the requirement that an applicant file the certifications on Form SBSE–C at the same time they file an application on Form SBSE, SBSE–A, or SBSE–BD, as appropriate, facilitates conditional registration upon filing, which is designed to assure that existing entities are not required to cease operations pending the Commission's consideration of their application. We have also moved the CCO Certification Regarding Associated Persons, which had been included as Schedule G to the Forms, into Form SBSE–C. As proposed, that certification would have been required to be provided as part of Forms SBSE, SBSE–A, and SBSE–BD.

[22] *See infra,* Section II.G. for a discussion of the information required on each of the Forms.

[23] As proposed, this was a one-time certification (*see* Registration Proposing Release, 76 FR at 65810), where a senior officer would be certifying as to the SBS Entity's capabilities at the time of the certification (*see* Registration Proposing Release, at 65789–91).

[24] *See, e.g.,* SIFMA Letter, at 5–7; 2011 and the Better Markets Letter, at 5–6.

One commenter indicated that it believes the Senior Officer Certification is unnecessary, overly burdensome, and unduly vague and indeterminate.[25] This commenter pointed out that the untested nature of the Dodd-Frank regulatory regime would make it difficult for any senior officer to confidently or meaningfully certify that an SBS Entity would have the necessary capabilities.[26] Both commenters contended that the Commission had not adequately defined ''operational, financial, and compliance capabilities'' nor what constitutes ''due inquiry.'' [27] Further, one of the commenters suggested that, as an alternative, the Commission require a ''policies and procedures''-type certification, such as that set forth in Question 21 to the Registration Proposing Release.[28]

As more fully discussed below, after considering the comments, we believe that we can still achieve the objective of the Senior Officer Certification, while avoiding undue uncertainty over what the senior officer is certifying to, by adopting a certification requirement similar to the one articulated in Question 21 in the Registration Proposing Release.

Specifically, the Senior Officer Certification requirement, as adopted in Rule 15Fb2–1(b) and Form SBSE–C, requires that a senior officer [29] certify that: (1) After due inquiry, he or she has reasonably determined that the security-based swap dealer or major security-based swap participant has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws and the rules thereunder, and (2) he or she has documented the process by which he or she reached such determination.[30] The language of this certification is similar to the language in Question 21, and to the language that was supported by the commenter.[31] However, we retained the requirement for the senior officer to have made a reasonable determination from the proposed certification, and modified the language from what was presented in Question 21 to eliminate the reference to ''applicable self-regulatory organization rules'' because SBS Entities generally will not be subject to those rules.[32] In addition, we retained the proposed requirement that the senior officer certify that he or she had documented the process by which he or she reached his or her determination. We received no comment on that aspect of the certification and believe it would be helpful to the staff when performing examinations to assure compliance with the certification requirement.

We believe the certification standard that we are adopting in Rule 15Fb2–1(b) and Form SBSE–C is more concrete and understandable than the one that we proposed.[33] Thus, it should be easier for SBS Entities to implement. Further, we believe that the Senior Officer Certification we are adopting is reasonably designed to provide assurances that each SBS Entity has put in place a framework to enable it to operate in compliance with the applicable laws, rules and regulations. The certification requirement should help to protect both investors and markets from potential problems arising from SBS Entities that may have not put in place a framework that enables them to operate their security-based swap business in compliance with their regulatory obligations.[34] Specifically, we believe that receipt of the Senior Officer Certification in Form SBSE–C, which requires that a senior officer certify that he or she has reasonably determined that the SBS Entity has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws and the rules thereunder, is further support that an SBS Entity has undertaken a thorough review of applicable regulations, including any rules adopted by the Commission relating to minimum operational, financial, and compliance standards.[35]

[25] *See, e.g.,* SIFMA Letter, at 5–7.

[26] *See, e.g.,* SIFMA Letter, at 5.

[27] *See supra,* footnote 24.

[28] *See* SIFMA Letter, at 6; and Registration Proposing Release, 76 FR at 65791. In pertinent part, Question 21 asks, ''Should the Senior Officer Certification instead require that a senior officer certify that 'to the best of his or her knowledge, after due inquiry, the security-based swap dealer or major security-based swap participant has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws, the rules thereunder, and applicable self-regulatory organization rules?' ''

[29] For purposes of this certification requirement, the term ''senior officer'' is intended to cover only the most senior executives in the organization, such as an applicant's chief executive officer, chief financial officer, chief legal officer, chief compliance officer, president, or other person at a similar level. Additionally, the person who signs the certification must have the legal authority to bind the applicant.

[30] *See* Form SBSE–C, Certification 1. Similar to what was proposed, this is a one-time certification, for purposes of registration, where the senior officer certifies as to his or her understanding of the SBS Entity's policies and procedures at the time the certification is signed. While this certification is only required at the time of initial registration, Exchange Act Section 15F(k)(2) establishes duties for a CCO which include, among other things, a requirement that the CCO ensure compliance with Exchange Act Section 15F and the regulations thereunder relating to security-based swaps, including each rule prescribed by the Commission under this section. In addition, the Commission has proposed rules that would require each SBS Entity to establish, maintain and enforce a system to supervise, and to supervise diligently, the business of the SBS Entity involving security-based swaps. Those proposed rules would require that this system be reasonably designed to achieve compliance with applicable federal securities laws and the rules and regulations thereunder. *See* Proposed Rule 15Fh–3(i). In addition, the proposed rules would require that an SBS Entity establish, maintain, and enforce written policies and procedures addressing the types of business in which the security-based swap dealer or major security-based swap participant is engaged that are reasonably designed to achieve compliance with applicable securities laws and the rules and regulations thereunder. *See* Proposed Rule 15Fh–3(i)(2)(iii). The proposed rules also indicate that an SBS Entity would not be deemed to have failed to diligently supervise any other person if, among other things, it has established and maintained written policies and procedures, and a documented system for applying those policies and procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation of the federal securities laws and the rules and regulations thereunder relating to security-based swaps. *See* Proposed Rule 15Fh–3(i)(3). *See also, Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release No. 64766 (Jun. 29, 2011), 76 FR 42396 (Jul. 18, 2011) (the ''Business Conduct Standards Proposing Release''), at 42419 through 42421.

[31] *See supra,* footnote 28.

[32] SBS Entities that are also registered as broker-dealers are subject to the rules of a self-regulatory organization (''SRO'') of which they are a member due to their being a registered broker-dealer.

[33] This standard is used in Exchange Act Section 15(b)(4)(E) and we believe industry participants are familiar with it.

[34] *See* Registration Proposing Release, at 65789 through 65790.

[35] The Commission has separately proposed rules to establish financial, operational and compliance standards for SBS Entities, with which these entities would need to comply upon registration, if the Commission were to adopt the proposed rules. In the Registration Proposing Release, the Commission provided guidance regarding the meaning of the terms operational capability (at footnote 26), financial capability (at footnote 27), and compliance capability (at footnote 28). In its guidance regarding operational capability (or standards), the Commission stated that it expected ''that a key foundation for the Senior Officer Certification would be the capability of an SBS Entity to comply with the obligations that would be imposed by the Trade Acknowledgment Proposing Release [*Trade Acknowledgment and Verification of Security-Based Swap Transactions,* Exchange Act Release No. 63727 (Jan. 14, 2011) (76 FR 3859, Jan. 21, 2011) (the ''Trade Acknowledgment Proposing Release'')], if adopted, other legal obligations applicable to the operations of an SBS Entity, and the capability of the SBS Entity to conduct its business as represented in the SBS Entity's application for ongoing registration. This would include rules proposed in *Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers; Capital Rule for Certain Security- Based Swap Dealers,* Exchange Act Release No. 71958, (Apr. 17, 2014) (79 FR 25194, May 2, 2014) (the ''Books and Records Proposing Release''). In its guidance regarding financial capability, the Commission indicated that it would separately propose capital rules for SBS Entities (*See e.g., Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital Requirements for Broker-Dealers,* Exchange

In essence, this Senior Officer Certification is designed to help assure that each SBS Entity has thought through what it needs to do to be able to operate in compliance with those requirements applicable to a registered SBS Entity under the federal securities laws (including those related to operations, financial and compliance standards), and has developed and implemented written policies and procedures reasonably designed to prevent violation of those laws, rules, and regulations.[36]

Another commenter, however, contended that, while the proposed process to require an application and certification would establish a registration process that is simple and efficient, the approach taken would be ineffective and would rely too much on the industry and on each entity seeking registration.[37] This commenter suggested that the Commission independently review SBS Entities prior to granting registration.[38] This commenter argued that requiring SEC pre-registration investigations would harmonize the registration process for SBS Entities with others (including SRO review of broker-dealers and NFA review of swap entities), reduce regulatory arbitrage, and protect investors. This commenter also suggested, in the alternative, that we should require each SBS Entity to have an independent auditor conduct a pre-registration review.[39]

The Commission is not, at this time, adopting the commenter's suggestion that the Commission conduct a pre-registration examination of each applicant, or that we require an applicant to obtain a pre-registration review from an independent auditor.[40] The Commission does not presently conduct pre-registration reviews for other types of market intermediary applicants, such as investment advisers, municipal advisors and transfer agents, or require that they obtain a pre-registration examination from an independent auditor. We recognize that SROs perform pre-registration reviews for broker-dealers, however, the Exchange Act does not create an SRO structure for SBS Entities.[41] The Commission believes that the Senior Officer Certification that applicants must submit should help ensure that each applicant itself has thoroughly reviewed what it must do to comply with applicable federal securities laws and the rules thereunder. In addition, the CCO Certification Regarding Associated Persons is designed to provide the Commission with representations that each applicant has determined that none of its associated persons who effect or are involved in effecting security-based swaps on its behalf is subject to a statutory disqualification, unless otherwise specifically provided by Commission rule, regulation or order.[42] Additionally, the Commission will review all of the documents and other information provided by the applicants on the required Form. The Commission also may, based on an initial assessment of an application, request follow-up information from the applicant.[43] The Commission believes that its review of the information provided in the application, coupled with the Senior Officer Certification as discussed above, is a reasonable approach to registration.

As noted above, commenters asked that we clarify what we mean by ''due inquiry'' in the certification requirement.[44] Essentially, the senior officer should perform diligence regarding the content of what he or she is required to certify. We believe, however, that SBS Entities should have flexibility to determine the steps that the senior officer who must sign the certification will take to be comfortable that he or she has made appropriate inquiries regarding the SBS Entity's written policies and procedures in order to make the certification. For instance, a senior officer might review the SBS Entity's written policies and procedures and/or speak with the SBS Entity's legal and compliance personnel regarding the SBS Entity's written policies and procedures, how they were developed, and how they have been implemented by the SBS Entity. Alternatively, there may be one or more senior officers that are already familiar with the SBS Entity's written policies and procedures and how they have been developed and implemented. It would not be appropriate for a senior officer with little or no knowledge of the firm's written policies and procedures, or its processes to comply with applicable regulations, to sign this certification without taking any steps to learn more information. In light of this, we also have eliminated the requirement that the senior officer signing the form be ''knowledgeable'' because inclusion of the requirement that the senior officer be ''knowledgeable'' in addition to requiring that the senior office make ''due inquiry'' would be unnecessary.

One commenter also contended that this requirement differed from the CFTC's registration requirements for swap entities, and that the lack of a similar certification requirement in the CFTC's proposed registration rule ''provides further evidence that such a requirement is not needed to promote financial stability or investor protection.''[45] While this certification requirement differs from rules adopted by the CFTC to register swap dealers and major swap participants, the Commodity Exchange Act (''CEA'') and the Exchange Act differ in some respects. While the provisions in the CEA directly relating to swap dealers and major swap participants are similar to those in the Exchange Act relating to SBS Entities, other CEA provisions provide the CFTC with the ability to require swap dealers and major swap participants to become members of NFA, and thus leverage the existing registration process and forms (including a pre-registration review by NFA) used by other CFTC registrants.[46] However, Exchange Act Sections 15A(a) and 3(a)(3)(B) limit the membership of national securities associations to brokers and dealers. In light of the fact that SBS Entities are not subject to SRO oversight, and thus are not subject to the registration review process of an SRO, the adopted Senior Officer Certification is designed to cause SBS Entities to consider whether they have taken steps

Act Release No. 68071 (Oct. 18, 2012), 77 FR 70214 (Nov. 23, 2012) (the ''Capital and Margin Proposing Release''). In its guidance regarding compliance capability, the Commission referenced the Business Conduct Standards Proposing Release.

[36] In the Business Conduct Standards Proposing Release the Commission proposed rules to prescribe business conduct standards for SBS Entities, as authorized under Exchange Act Section 15F(h) and 15F(k), including rules that relate to diligent supervision of the business of the registered SBS Entity (provided for in Exchange Act Section 15F(h)(1)(B)) and rules establishing the duties of the SBS Entity's CCO (provided for in Exchange Act Section 15F(k)). The Commission intends to clarify the obligations underlying these rules when it adopts rules under Exchange Act Sections 15F(h) and 15F(k).

[37] *See* 2011 Better Markets Letter, at 2.

[38] *Id.,* at 3–4.

[39] *Id.,* at 5. The commenter did not specify what a pre-registration review by an independent auditor should entail.

[40] As with any new class of registrants, Commission staff will incorporate oversight of those registrants into its examination program to review for compliance with the federal securities laws, rules and regulations.

[41] *See infra,* footnote 46 and accompanying text.

[42] *See infra,* Section II.B.3.

[43] In the case of an entity registered with the CFTC through NFA, the staff may contact the CFTC or NFA to discuss the application.

[44] *See* SIFMA Letter at 6.

[45] *See id.*

[46] CEA Section 17(b)(2) permits any CFTC registrant to become a member of a registered futures association (*i.e.,* NFA) and CEA Section 8a(5) gives the CFTC rulemaking authority ''to effectuate any of the provisions or to accomplish any of the purposes of this Act.'' In addition, CEA Section 4s(b)(4) gives the CFTC general authority to prescribe rules applicable to swap dealers and major swap participants.

to thoroughly review the federal securities laws and the rules thereunder that are applicable to SBS Entities and develop and implement written policies and procedures that are reasonably designed to prevent violation of the those laws, rules and regulations.

iii. Conditional Registration

The Commission proposed in Rule 15Fb2–1 a conditional registration requirement that would have required an SBS Entity to apply for conditional registration by submitting a complete Form SBSE, Form SBSE–A, or Form SBSE–BD to the Commission, then file a Senior Officer Certification (on Form SBSE–C) [47] before the Last Compliance Date [48] to facilitate the Commission's review of each firm's application for ongoing, permanent registration. The Commission proposed conditional registration as a way to register SBS Entities within the Dodd-Frank Act deadline, while allowing SBS Entities to come into compliance with new rules on each respective compliance date and then providing the certification after the last compliance date.[49]

The Commission is adopting a conditional registration process, but with changes to take into account the adopted definitions of SBS Dealer and Major SBS Participant, the timing of the compliance date for registration (*see* Section III below), and the modification to the certification.

Pursuant to Rules 3a71–2 and 3a67–8, upon filing of a complete application, a person is deemed to be an SBS Dealer or a Major SBS Participant, respectively.[50] However, Exchange Act Section 15F(a) makes it unlawful for a person to act as an SBS Entity unless the person is registered as such with the Commission. Consequently, we believe it is necessary and appropriate to provide conditional registration for SBS Entities upon the filing of a complete application on Form SBSE, SBSE–A, or SBSE–BD, as applicable, and Form SBSE–C so that existing entities are not required to cease operations during the Commission's consideration of their application. Thus, we are adopting a conditional registration process to permit applicants to continue engaging in security-based swap activities after they file an application to register as an SBS Entity but before the Commission acts on their application for ongoing registration.

Under the rule as adopted, an applicant must submit the Senior Officer Certification on Form SBSE–C at the same time it submits its Form SBSE, SBSE–A or SBSE–BD, as applicable. Given that the compliance date for the SBS Entity registration rules is not immediate and we have amended Form SBSE–C to include a modified Senior Officer Certification along with the CCO Certification Regarding Associated Persons, the certifications will be a necessary part of the Commission's determination of whether to grant, or institute proceedings to deny, ongoing registration. Consequently, applicants must file the certifications on Form SBSE–C as part of their applications at the same time they file Form SBSE, SBSE–A, or SBSE–BD, as applicable. Thus, paragraph (d) of new Rule 15Fb2–1 states that a person that has filed a complete Form SBSE–C and Form SBSE, SBSE–A, or SBSE–BD, as applicable, with the Commission in accordance with paragraph (c) within the time periods set forth in Exchange Act rules 3a67–8 and 3a71–2, as applicable, and has not withdrawn from registration,[51] will be conditionally registered.[52]

An applicant will be considered to be conditionally registered upon filing a complete application, but will not have ongoing registration until the Commission takes action to grant such registration. In that regard, final Rule 15Fb3–1(b), discussed more fully below, provides that a person conditionally registered as an SBS Entity will continue to be so registered until the date the registrant withdraws from registration or the Commission grants or denies the person's ongoing registration in accordance with Rule 15Fb2–1(e).

iv. Electronic Filing and Completeness of the Application

Paragraph (c)(1) of proposed Rule 15Fb2–1 would have established that the application, certification, and any additional registration documents would need to be filed electronically with the Commission or its designee. In addition, paragraph (c)(2) of proposed Rule 15Fb2–1 would have provided that an SBS Entity's application submitted pursuant to paragraph (c)(1) will be considered filed only when a complete Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, and all required additional documents are filed with the Commission or its designee. In addition, the Commission proposed temporary Rule 15Fb2–2T to require SBS Entities to, among other things, file their applications on Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable, and all additional documents in paper form by sending them in hard-copy to the Commission, notwithstanding paragraph (c)(1) of Rule 15Fb2–1, if the development of an electronic system to receive those Forms was not yet functional by the time final rules were adopted.

The Commission stated in the Registration Proposing Release that it ''[anticipated] that the EDGAR system will be expanded to facilitate registration of SBS Entities because it likely would provide the most cost-effective solution.'' [53] In addition, the instructions to proposed Forms SBSE, SBSE–A, and SBSE–BD all indicated that ''[t]he applicant must file [the Form] through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend [the Form] electronically to

[47] Form SBSE–C was designed to provide a standard format by which SBS Entities could file their Senior Officer Certifications (discussed in Section II.1.ii., *supra*).

[48] The term ''Last Compliance Date'' was defined, in paragraph (e) to proposed Rule 15Fb2–1, to mean the latest date, designated by the Commission, by which SBS Entities must comply with any of the initial, substantive rules promulgated under Section 15F.

[49] *See also infra* Sections II.A.1.v., which discusses the proposed standard for granting conditional registration in proposed Rule 15Fb2–1(e)(1), and II.C.1., which discusses the proposed timing of conditional registration in proposed Rule 15Fb3–1.

[50] Pursuant to Exchange Act Rule 3a71–2(b), a person will be deemed not to be a security-based swap dealer until the earlier of the date on which it submits a complete application for registration or two months after the end of the month in which that person becomes no longer able to take advantage of the *de minimis* exception. Rule 3a71–2(b). Similarly, a person that meets the criteria in Rule 3a67–1(a) to be a major security-based swap participant will be deemed not to be a major security-based swap participant until the earlier of the date on which it submits a complete application for registration or two months after the quarter in which it met those criteria. *See* Rule 3a67–8. *See also,* Intermediary Definitions Adopting Release which, among other things, further defines the terms ''security-based swap dealer'' and ''major security-based swap participant.'' In that release, adopted jointly with the CFTC, the Commission adopted Rule 3a71–2, which provides a *de minimis* exemption from the definition of ''security-based swap dealer,'' and provided timeframes within which an entity must register with the Commission after it exceeds the *de minimis* threshold [at 77 FR 30643, 30754 and 30756]. The Commission also adopted Rule 3a67–8, which establishes the timing requirements within which a person must register with the Commission if it meets the criteria in Rule 3a67–1 to be a major security-based swap participant.

[51] A conditionally registered SBS Entity would withdraw from registration by filing Form SBSE–W as described in more detail below in Section II.C.2.

[52] Once an SBS Entity is conditionally registered, all of the Commission's rules applicable to registered SBS Entities will apply to the entity and it must comply with them. For instance, a conditionally registered SBS Entity will be required to comply with any recordkeeping rules applicable to SBS Entities. In addition, the staff may choose to conduct an examination of a conditionally registered firm.

[53] *See* the Registration Proposing Release, at 65793.

assure the timely acceptance and processing of those filings.''

One commenter stated that its members believe that the use of the EDGAR system to facilitate registration may raise technological issues for entities whose computer systems cannot access the EDGAR system because of incompatible security protocols or technology.[54] This commenter suggested that the Commission should provide at least six months between the adoption of final rules and the effective date of the registration requirement to allow for resolution of these types of issues.

The Commission is adopting proposed paragraph (c)(1) regarding the electronic filing requirement substantially as proposed. Thus, paragraph (c)(1) of Rule 15Fb2–1 will require applications and any additional documents to be filed electronically with the Commission through the Commission's EDGAR system.[55] Given the timing of the compliance date for these rules (see Section III below), we believe firms will have sufficient time to work out any technological issues associated with filing registration forms through the Commission's EDGAR system. The Commission is not adopting Rule 15Fb2–2T because the EDGAR system will be updated to receive these application Forms before the compliance date of these rules.

In the Registration Proposing Release, the Commission also discussed the possibility of requiring firms to ''tag'' data submitted using a computer markup language that can be processed by software programs for analysis (such as eXtensible Markup Language (XML) and eXtensible Business Reporting Language (XBRL)).[56] At that time we indicated that collecting the information in a standardized format would allow us to make the information available to the public in a format that makes it easier to review and manipulate.[57] We received no comments on the possible use of XML or XBRL.

The process we will use to collect the Forms, and the data contained thereon, is consistent with what was proposed. The Forms are being developed with a graphical user interface that will allow users to complete a fillable Form on the EDGAR Web site.[58] As the data will be collected in a structured format, we believe it is not necessary to require that SBS Entities submit the information in a ''tagged'' format. Collecting the data in a structured format will allow us to make the data public in a manner that will enable users of that data to retrieve, search, and analyze the data through automated means.

We are also planning to allow a batch filing process utilizing the XML tagged data format that firms could use to upload application information to the EDGAR system. Applicants and SBS Entities will not be required to utilize this process, but may choose to do so. We believe that some applicants and/or SBS entities may prefer to register or amend their Forms using the batch XML format because it would allow them to automate aspects of the registration process, which may minimize burdens and generate efficiencies. This may be especially true for firms that are already using Edgar's Filer Constructed Submissions capabilities to submit other forms. In connection with the batch filing process, we anticipate publishing a taxonomy of XML data tags in advance of the compliance date for SBS Entity registration for use by filers taking advantage of the optional batch submission process.[59]

The Commission received no comments on paragraph (c)(2) of proposed Rule 15Fb2–1, and is adopting that paragraph, substantially as proposed.[60]

v. Standards for Granting or Instituting Proceedings to Determine Whether to Deny Registration

Paragraph (d) of proposed Rule 15Fb2–1 would have provided that the Commission may grant or deny applications for conditional and ongoing registration, and set forth the standards the Commission would use to make that determination. In particular, paragraph (d)(1) of the proposed rule specified that the Commission would grant conditional registration if it found the applicant's application was complete, and paragraph (d)(2) specified that the Commission would grant ongoing registration if it finds that the requirements of Exchange Act Section 15F(b) are satisfied. Proposed paragraph (d)(1) also indicated that the Commission may institute proceedings to determine whether conditional registration should be denied if it found that that the applicant is subject to a statutory disqualification (as defined in 15 U.S.C. 78c(a)(39)) or if the Commission was aware of inaccurate statements in the application. In addition, proposed paragraph (d)(2) indicated that the Commission may institute proceedings to determine whether ongoing registration should be denied if it found that the requirements of Exchange Act Section 15F(b) had not been satisfied, the applicant is subject to a statutory disqualification (as defined in Exchange Act Section 78c(a)(39)), or if the Commission is aware of inaccurate statements in the application or certification. Paragraph (d)(2) also stated that the Commission may grant or deny ongoing registration based on an SBS Entity's application and certification, and that a conditionally registered SBS Entity need not submit a new application to apply for ongoing registration, but must amend its application, as required pursuant to § 240.15Fb2–3. The Commission received no comments on proposed paragraph (d).

As discussed above, we have made conditional registration automatic upon submission of a complete application, which includes Form SBSE–C and Form SBSE, SBSE–A or SBSE–BD, as applicable. Paragraph (d) of Rule 15Fb2–1 as adopted states that an applicant that has submitted a complete Form SBSE–C and a complete Form SBSE, SBSE–A, or SBSE–BD, as applicable, in accordance with Rule 15Fb2–1(c) within the time periods set forth in Rule 3a67–8 (if the person is a Major SBS Participant) or Rule 3a71–2(b) (if the person is an SBS Dealer), and has not withdrawn its registration shall be conditionally registered.[61] Therefore, we are not adopting the proposed standards for granting conditional registration or instituting proceedings to

[54] *See* SIFMA Letter, at 3.

[55] As discussed in the Registration Proposing Release, because the registration forms will be required to be submitted through EDGAR, the electronic filing requirements of Regulation S–T will apply. *See* 17 CFR 232 (governing the electronic submission of documents filed with the Commission). General information about EDGAR is available at *http://www.sec.gov/info/edgar.shtml*, where the EDGAR Filer Manual can also be accessed. The EDGAR Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. The Commission recommends that applicants read this filer manual before they begin using the system. Generally, entities filing documents in electronic format through the EDGAR system must comply with the applicable provisions of the EDGAR Filer Manual in order to assure the timely acceptance and processing of those filings.

[56] *See* Registration Proposing Release, 76 FR at 65806.

[57] *Id.*

[58] To access the Forms, applicants will need to complete the Form ID process and obtain a CIK number and passcode from the Commission.

[59] Use of such an XML taxonomy will allow the Commission to normalize the data received using the batch filing process with the data collected through the use of the structured Forms and thereby make the data available to the public in a seamless way.

[60] We modified the rule text of proposed Rule 15Fb2–1(c)(2) to eliminate the phrase ''or its designee.'' As applications will be submitted through the Commission's EDGAR system, they will not be submitted to any designee.

[61] *See supra,* Section II.A.1.iii.

determine whether to deny conditional registration.

The Commission is adopting the standards for making a determination to grant or deny ongoing registration proposed in paragraph (d)(2) with two modifications, and renumbering it as paragraph (e) to Rule 15Fb2–1. First, we amended the reference to Exchange Act Section 3(a)(39). As described in Section II.B. below in the discussion about proposed Rule 15Fb6–1, Exchange Act Section 15F(b)(6) uses the term ''statutory disqualification,'' but the definition of statutory disqualification in the Exchange Act specifically relates to a person's association with an SRO.[62] To address this inconsistency, we amended the rule text to replace the phrase ''as defined in Section 3(a)(39) of the Securities Exchange Act of 1934'' with the phrase ''as described in Sections 3(a)(39)(A)–(F) of the Securities Exchange Act of 1934.'' This updated cross-reference incorporates the underlying issues that give rise to statutory disqualification without reference to SRO membership.[63] In addition, we added the phrase ''or cannot'' to clarify that we may institute proceedings to deny where we are unable to make a finding due to, for example, a lack of necessary information.

Rule 15Fb2–1(e) as adopted states that the Commission may deny or grant ongoing registration to an SBS Dealer or Major SBS Participant based on an SBS Dealer's or Major SBS Participant's application, filed pursuant to paragraph (a) of this section. In addition, Rule 15Fb2–1(e) as adopted provides that the Commission will grant ongoing registration if it finds that the requirements of Exchange Act Section 15F(b) are satisfied. Further, Rule 15Fb2–1(e) provides that the Commission may institute proceedings to determine whether ongoing registration should be denied if it does not or cannot make such finding, if the applicant is subject to a statutory disqualification (described in Sections 3(a)(39)(A) through (F) of the Exchange Act), or the Commission is aware of inaccurate statements in the application, and that such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing. Finally, the rule states that at the conclusion of such proceedings, the Commission shall grant or deny such registration. The Commission intends to notify entities electronically through the EDGAR system when registration is granted, and will make information regarding registration status publicly available on EDGAR.

As indicated above, final Rule 15Fb2–1(e) also states that such proceedings will include notice of the grounds for denial under consideration and opportunity for hearing, and that at the conclusion of the proceedings, the Commission shall grant or deny such registration. An applicant would have the opportunity (once proceedings are commenced) to provide information as to why the Commission should grant registration.

In addition, as ongoing registration is no longer contingent on an applicant filing a Form SBSE–C after the ''Last Compliance Date,'' but rather the certification must be filed as part of the initial submission of the application, we removed the language in proposed Rule 15Fb2–1(d)(2) stating that a conditionally registered SBS Entity need not submit a new application to apply for ongoing registration. We also revised the cross-references given the fact that the requirement to file a certification on Form SBSE–C is now included in paragraph (a) rather than paragraph (b).

vi. Comments on Substituted Compliance

In the Cross Border Proposing Release, the Commission proposed Rule 3a71–5 to facilitate certain substituted compliance determinations by the Commission for foreign SBS Dealers.[64] Paragraph (a)(3) of that proposed rule specified that the Commission would not make a substituted compliance determination with respect to registration requirements described in Sections 15F(a)–(d) of the Exchange Act and the rules and regulations thereunder.

One commenter urged the Commission to consider conditions upon which it could allow appropriate foreign market participants to satisfy the registration requirements through compliance with the relevant requirements in their home jurisdictions, with appropriate notice of such compliance to the SEC.[65] This commenter urged the Commission not to delay its implementation of its proposed rules to address this issue but to keep consideration ''open in order to achieve the full benefits of substituted compliance over the full range of regulatory issues in due course.'' [66]

After further considering the purposes of our proposed approach to substituted compliance, the Commission continues to believe that substituted compliance should not be available for SBS Entity Registration. Requiring foreign persons that engage in security-based swap dealing activity at levels above the SBS Dealer *de minimis* threshold to register serves an important regulatory function that would be significantly impaired by permitting substituted compliance.

Specifically, the Commission has inspection and examination authority over registered SBS Entities, including access to relevant books and records.[67] As we have noted, ''this approach to territorial application of Title VII provides a reasonable means of helping to ensure that our regulatory framework focuses on security-based swap activity that is most likely to raise the concerns that Congress intended to address in Title VII.'' [68] The Commission's inspection and examination authority is part of proper oversight of such dealers, and any limitation on oversight of foreign registered SBS Dealers would impair the Commission's effective regulation of these firms and their security-based swap transactions because it would deprive the Commission of a full picture of their business.[69] Permitting a foreign SBS Dealer to satisfy these requirements through compliance with the relevant requirements in its home jurisdiction, even with appropriate notice of such compliance to the Commission, may deprive the Commission of the necessary information, including information resulting from inspection

[62] *See infra* footnote 78 and accompanying text.

[63] We intend for this description to parallel Exchange Act Section 3(a)(39). If Congress were to amend the definition of statutory disqualification in Exchange Act Section 3(a)(39), we believe it would be appropriate for the Commission to consider amending Rule 15Fb6–2 to assure that this description remains consistent with the statutory definition.

[64] *See* Cross-Border Proposing Release, at 31207–8.

[65] *See* IIF Letter, at 3–4.

[66] *See id.* at 4.

[67] *See* Exchange Act Section 15F(f)(1)(C) (requiring registered security-based swap dealers and registered major security-based swap participants to keep books and records ''open to inspection and examination by any representative of the Commission'').

[68] *See* Cross-Border Adopting Release, at 47288.

[69] *See* Cross-Border Proposing Release, at 31015. *See also, Application of Certain Title VII Requirements to Security-Based Swap Transactions Connected With a Non-U.S. Person's Dealing Activity That Are Arranged, Negotiated, or Executed by Personnel Located in a U.S. Branch or Office or in a U.S. Branch or Office of an Agent,* Exchange Act Release No. 74834 (Apr. 29, 2015), 80 FR 27444 (May 13, 2015) (the ''Cross-Border Activity Proposing Release''), at footnote 163 and accompanying text (noting that the Commission must have access to books and records of firms that engage in dealing activity in the United States to effectively monitor the market for abusive and manipulative conduct). For this reason, the Commission is also adopting a rule that would require nonresident security-based swap dealers to certify that they can, as a matter of law, and will provide the Commission with access to their books and records and submit to onsite examination. *See infra,* Section II.D.3.

and examination of the books and records of a firm engaged in dealing activity at levels above the *de minimis* threshold.

As we have previously noted, access to books and records is necessary to ensure that the Commission is able to monitor the market for abusive and manipulative practices connected with security-based swap activity in the United States.[70] Accordingly, we are not providing for substituted compliance in the context of the registration requirement.[71] The Commission intends to consider the potential availability of substituted compliance in connection with other requirements applicable to SBS Dealers, when the Commission considers final rules to implement those requirements.

2. Amendments to Form SBSE, Form SBSE–A, and Form SBSE–BD: Rule 15Fb2–3

As proposed, Rule 15Fb2–3 would have required an SBS Entity to promptly file an amendment electronically with the Commission, or its designee to amend its application to correct any information it determines was, or had become, inaccurate for any reason. The Commission indicated in the release that the proposed rule was based on Exchange Act Rule 15b3–1, applicable to registered broker-dealers, which has worked well to assure that broker-dealers promptly amend their applications.[72] In addition, the Commission indicated that, for purposes of proposed Rule 15Fb2–3, it believed that it would be appropriate to interpret the term ''promptly'' to mean within 30 days.[73]

The Commission received no comments regarding this proposed rule, and is adopting it substantially as proposed. However, we modified the rule to make two changes. As the application for registration now includes the certifications on Form SBSE–C,[74] we revised the rule to specify that if an SBS Entity finds that the information contained in its Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, or in any amendment thereto, is or has become inaccurate for any reason, the SBS Entity shall promptly file an amendment to the appropriate Form to correct such information. This change clarifies that the certifications on Form SBSE–C are one-time certifications and Form SBSE–C need not be amended.[75] We also made a technical change to specify that amendments must be made through the Commission's EDGAR system, and to remove the phrase ''its designee'' because amendments will be filed through the EDGAR system directly with the Commission.[76] The Commission believes this rule is necessary in order for it to have prompt access to accurate information as part of its ongoing oversight of SBS Entities.

B. Associated Persons

Paragraph (b)(6) of Exchange Act Section 15F generally prohibits an SBS Dealer or Major SBS Participant, except as otherwise permitted by rule, regulation or order of the Commission, from permitting any person associated with the SBS Dealer or Major SBS Participant who is subject to a ''statutory disqualification'' to effect or be involved in effecting security-based swaps on behalf of the SBS Entity if the SBS Entity knew, or in the exercise of reasonable care should have known, of the statutory disqualification.[77]

Although Exchange Act Section 15F(b)(6) does not define ''subject to a statutory disqualification,'' the term has an established meaning under Section 3(a)(39) of the Exchange Act, which defines circumstances that would subject a person to a statutory disqualification with respect to membership or participation in, or association with a member of, an SRO. In the Registration Proposing Release, proposed rule 15Fb6–1 referenced the definition of ''statutory disqualification'' set forth in Section 3(a)(39), and the Commission proposed to make this definition applicable to Exchange Act Section 15F(b)(6), notwithstanding the absence of an SRO for SBS Entities.[78] Accordingly, as proposed, a person would have been ''subject to a statutory disqualification'' for purposes of proposed Rule 15Fb6–1 if that person would be subject to disqualification from association with a member of an SRO under the provisions of Section 3(a)(39) of the Exchange Act.[79]

Paragraph (a) of proposed Rule 15Fb6–1 would have prohibited an SBS Entity from acting as an SBS Dealer or Major SBS Participant unless it had certified electronically on Schedule G of its application Form that no person associated with it who effects or is involved in effecting security-based swaps on its behalf is subject to statutory disqualification as defined in paragraph (3)(a)(39) of the Exchange Act.[80] Paragraph (b) of proposed Rule 15Fb6–1 would have required an SBS Entity, to support the certification required in paragraph (a), to obtain a questionnaire or application for employment executed by each of its

[70] *See* Cross-Border Activity Proposing Release, at 27466. We have also noted that Title VII recordkeeping requirements will likely be the Commission's primary tool in monitoring compliance with applicable securities laws, including the antifraud provisions of these laws. *See id. See also* Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers; Capital Rule for Certain SBSDs; Proposed Rules, Exchange Act Release No. 71958 (April 17, 2014), 79 FR 25194, 25199 (May 2, 2014) (citing Commission Guidance to Broker-Dealers on the Use of Electronic Storage Media under the Electronic Signatures in Global and National Commerce Act of 2000 with Respect to Rule 17a–4(f), Exchange Act Release No. 44238 (May 1, 2001), 66 FR 22916 (May 7, 2001); Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934, Exchange Act Release No. 44992 (October 26, 2001), 66 FR 55818 (November 2, 2001)).

[71] Given the importance of ensuring that we have the ability to inspect and examine every security-based swap dealer whose relevant dealing activity exceeds the security-based swap dealer *de minimis* threshold, we think it appropriate to address whether substituted compliance should be allowed with respect to our registration rules in the context of this rulemaking, rather than keep open consideration of substituted compliance for the registration rules, as suggested by the commenter. However, the Commission is not addressing in this rulemaking the potential availability of substituted compliance for SBS Dealers with respect other Commission rules to which SBS Dealers would be subject as a registered SBS Dealer. Instead, we intend to address substituted compliance issues for other rulemakings in the releases finalizing those rules.

[72] *See* Registration Proposing Release, footnote 54.

[73] *See* Registration Proposing Release, footnote 53.

[74] *See supra,* Section II.A.1.i., and Rule 15Fb2–1(a).

[75] For more information on the Senior Officer Certification, *see supra,* Section II.A.1.ii. For more information on the CCO Certification Regarding Associated Persons, *see infra,* Section II.B. For more information on Form SBSE–C, *see infra,* Section II.G.4. *See also* footnote 30; Exchange Act Sections 15F(b)(6), 15F(h), and 15F(k); and rules proposed in the Business Conduct Standards Proposing Release.

[76] *See supra,* Section II.A.1.iv.

[77] On June 15, 2011, the Commission issued an Order that, among other things, granted temporary relief from compliance with Exchange Act Section 15F(b)(6), and Exchange Act Section 29(b), 15 U.S.C. 78cc(b), concerning enforceability of contracts that would violate, among other provisions, Exchange Act Section 15F(b)(6). *See* the Effective Date Release. That Order expires on the effective date of rules adopted by the Commission to register SBS Entities. The Commission will consider separately extending the expiration date of the temporary relief.

[78] *See* Registration Proposing Release 76 FR at 65795 (stating that Exchange Act Section 15F(b)(6) applies to ''associated persons who are subject to a 'statutory disqualification' (as defined in Exchange Act Section 3(a)(39))'').

[79] Likewise, in a similar context, the Commission has proposed to adopt the definition of ''statutory disqualification,'' as set forth in Section 3(a)(39), for SBS Entities. *See* Business Conduct Standards Proposing Release, at 42404 n.42429–30, and 42454 (proposed Rule 15Fh–2(f)).

[80] As proposed, if an associated person later became statutorily disqualified, the SBS Entity would have been required to ensure that the associated person did not continue to effect or be involved in effecting security-based swaps on the SBS Entity's behalf and/or promptly amend its Schedule G in accordance with proposed Rule 15Fb2–3. *See* Registration Proposing Release, at 65795–96.

associated persons who effects or is involved in effecting security-based swaps on behalf of the SBS Entity that contains certain, specified information, which would serve as a basis for a background check of the associated person.[81] The proposal also would have required that the questionnaire or application be reviewed and signed by the SBS Entity's CCO. Paragraph (c) of proposed Rule 15Fb6–1 would have required that an SBS Entity maintain all questionnaires and applications for employment obtained pursuant to proposed paragraph (b) as part of its books and records for at least three years after the associated person has terminated his or her association with the SBS Entity.

The Commission stated in the Registration Proposing Release that it believed the term ''involved in effecting'' security based swaps would encompass associated persons engaged in functions necessary to facilitate the SBS Entity's security-based swap business, including, but not limited to, associated persons involved in drafting and negotiating master agreements and confirmations, persons recommending security-based swap transactions to counterparties, persons on a trading desk actively involved in effecting security-based swap transactions, persons pricing security-based swap positions and managing collateral for the SBS Entity, and persons assuring that the SBS Entity's security-based swap business operates in compliance with applicable regulations.[82] In short, the term would encompass persons engaged in functions necessary to facilitate the SBS Entity's security-based swap business.

The Commission received one comment regarding the scope of the proposed certification and information requirements in proposed paragraphs (a) and (b) of Rule 15Fb6–1.[83] The commenter stated its belief that, based on the Commission's definition of the phrase ''involved in effecting,'' SBS Entities could have hundreds, if not thousands, of associated natural persons who effect or are involved in effecting security-based swaps.[84] Moreover, the commenter stated that the definition of ''associated person'' could be read to extend not just to natural persons, but also to entities that are affiliates of SBS Entities.[85] As a result, the commenter stated its view that prohibiting statutorily disqualified entities from effecting or being involved in effecting security-based swaps could result in ''considerable'' business disruptions and other ramifications.[86] To address these concerns, the commenter suggested that the Commission could (1) limit the scope of associated persons of SBS Entities solely to natural persons, or (2) narrow the types of activities that would cause an associated person to be deemed to be ''involved in effecting security-based swaps.''[87]

1. Associated Person Certification

i. Associated Person Entities

Exchange Act Section 3(a)(70) generally defines the term ''persons associated with'' an SBS Entity to include (i) any partner, officer, director, or branch manager of an SBS Entity (or any person occupying a similar status or performing similar functions); (ii) any person directly or indirectly controlling, controlled by, or under common control with an SBS Entity; or (iii) any employee of an SBS Entity.[88] The definition of ''person'' under Exchange Act Section 3(a)(9) is not limited to natural persons, but extends to both entities and natural persons.[89] Thus, the statutory prohibition in Exchange Act Section 15F(b)(6), with respect to associated persons of an SBS Entity subject to a statutory disqualification, extends to both natural persons and entities.

In the Registration Proposing Release, the Commission asked whether it was possible that an associated person that is an entity that effects or is involved in effecting security-based swaps on behalf of an SBS Entity would be subject to a statutory disqualification and, if so, if we should consider excepting those persons from the prohibition in Section 15F(b)(6).[90] We also asked whether we should except such persons globally or on an individual basis, and whether there should be any differentiation in relief based upon whether the person was a natural person or an entity.[91] As indicated above, one commenter noted that ''business disruptions and other ramifications stemming from an entire entity being statutorily disqualified from effecting or being involved in effecting security-based swaps could be considerable.''[92] This commenter suggested a number of ways the Commission could address this issue, including a suggestion that the Commission limit the scope of associated persons of SBS Entities solely to natural persons. We note that the CFTC rules provide that associated persons of swap dealers and major swap participants are natural persons.[93]

After taking into consideration the comment and the implementation of the equivalent CEA provision, the Commission is adopting Rule 15Fb6–1, which provides that unless otherwise ordered by the Commission, when it files an application to register with the Commission as an SBS Dealer or Major SBS Participant, an SBS entity may permit a person associated with such SBS Entity that is not a natural person and that is subject to a statutory disqualification, to effect or be involved in effecting security-based swaps on its behalf, provided that the statutory

[81] As proposed, Schedule G would have required that the applicant certify that it had ''performed background checks on all of its associated persons who effect or are involved in effecting, or who will effect or be involved in effecting, security-based swaps on its behalf, and determined that no associated person who effects or is involved in effecting, or who will effect or be involved in effecting, security-based swaps on its behalf is subject to statutory disqualification, as defined in Section 3(a)(39) of the Securities Exchange Act of 1924.'' *See* Proposed Schedule G, Registration Proposing Release, at 65841, 65863 and 65878. The Commission asked questions regarding the Forms, including Schedule G (76 FR at 65802 to 65805), but received no comments on Schedule G.

[82] Registration Proposing Release, at 65795, footnote 56.

[83] *See* SIFMA Letter, at 7–9.

[84] *Id.*

[85] *Id.*

[86] *Id.* The commenter did not provide supporting data regarding the number of associated persons or the magnitude of any potential business disruptions.

[87] *Id.*

[88] *See* 15 U.S.C. 78c(a)(70). The definition generally excludes persons whose functions are solely clerical or ministerial. *See also* Registration Proposing Release, footnote 55, and Cross-Border Activity Proposing Release, footnote 193.

[89] 15 U.S.C. 78c(a)(9) (''The term 'person' means a natural person, company, government, or political subdivision, agent, or instrumentality of a government.'').

[90] *See* Registration Proposing Release, question 90.

[91] *See* Registration Proposing Release, questions 91 and 93.

[92] *See* SIFMA Letter, at 8.

[93] The CFTC amended CEA Regulation 1.3(aa), which generally defines the term ''associated person'' for purposes of entities registered with it, to cover swap dealers and major swap participants. Consequently, with respect to swap dealers and security-based swap dealers, the definition reads, ''(aa) *Associated Person.* This term means any natural person who is associated in any of the following capacities with: [. . .] (6) A swap dealer or major swap participant as a partner, officer, employee, agent (or any natural person occupying a similar status or performing similar functions), in any capacity that involves: (i) The solicitation or acceptance of swaps (other than in a clerical or ministerial capacity); or (ii) The supervision of any person or persons so engaged.

Section 4s(b)(6) of the CEA [7 U.S.C. 6s(b)(6)], which is equivalent to Section 15F(b)(6) of the Exchange Act, provides that: ''Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap dealer or a major swap participant to permit any person associated with a swap dealer or a major swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap dealer or major swap participant, if the swap dealer or major swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.''

disqualification(s), described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act, occurred prior to the compliance date of this rule, and provided that it identifies each such associated person on Schedule C of Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate. As discussed below, this rule is designed to facilitate an orderly registration process by minimizing potential market disruptions that could occur when firms engaged in the security-based swap business trigger the requirements to register with the Commission.

As highlighted above, the scope of the prohibition in Section 15F(b)(6) of the Exchange Act covers a wide range of actions beyond Commission orders and conduct related to the securities markets, including actions by SROs, state regulators, criminal authorities and foreign jurisdictions occurring over a length of time. In addition, the term associated person is expansive and extends to, among other things, partners of an SBS Entity and persons directly or indirectly controlling, controlled by, or under common control with an SBS Entity, all of which could include a non-natural person.[94] Moreover, the conduct that led to the statutory disqualification of an associated person that is not a natural person may pertain to management practices that occurred a long time ago and may have been remediated or acts engaged in by personnel that are no longer employed by the associated person. Further, as discussed below in Section II.B.1.ii., we generally view the term ''involved in effecting'' to extend to key aspects of the overall process of effecting security-based swap transactions, including sales, booking, and cash and collateral management activities.

If the prohibition in Section 15F(b)(6) of the Exchange Act were to be applied without this relief, the Commission is concerned about the potential for market disruptions. The Commission's concern is particularly focused on the application of the prohibition under Section 15F(b)(6) with respect to non-natural associated persons, and during the transition period when firms engaged in the security-based swap business, with existing processes and relationships to facilitate that business, trigger the requirement to register with the Commission. Specifically, SBS Entities are likely to rely on non-natural associated persons to provide security-based swap related services to the SBS Entity, such as advisory, booking, and cash or collateral management services. SBS Entities engaged in the security-based swap market may need to either cease operations, even temporarily, due to not being able to utilize these services of their associated entities, or move these services to another entity that may not be as well positioned to handle them, which could have an impact on the security-based swap market.[95]

With respect to natural persons, we believe that replacing, even temporarily, a natural person performing a particular security-based swap function would not create the same practical issues as with moving the services provided by a non-natural person associated person to another entity. For example, we believe that moving the cash and collateral management services from one entity to another would have a much more significant impact on the ability of the SBS Entity to operate than assigning a different natural person to negotiate and execute security-based swap transactions. Further, natural person associated persons are the persons responsible for actually performing or overseeing the functions necessary to effect security-based swap activities. As such, we do not believe this transitional relief in Rule 15Fb6–1 should be extended to cover associated persons that are natural persons.[96]

We therefore are adopting a rule that is designed to facilitate an orderly registration process by minimizing the potential for market disruption in a targeted manner. Specifically, Rule 15Fb6–1 is applicable only to SBS Entity associated persons that are not natural persons, and the relief provided by the rule will only be available to firms at the time that they submit applications to register as SBS Entities. If an SBS Entity is associated with an entity that effects or is involved in effecting security-based swaps on its behalf that becomes subject to a statutory disqualification after the compliance date of these rules but prior to the SBS Entity registering with the Commission, if an SBS Entity that is registered wants to associate with an entity that is subject to statutory disqualification that will effect or be involved in effecting security-based swaps on its behalf, or if an entity with which an SBS Entity is associated and that effects or is involved in effecting security-based swaps on its behalf becomes subject to statutory disqualification after the SBS Entity has registered, the SBS Entity would need to seek relief from the Commission.[97]

We included the phrase ''unless otherwise ordered by the Commission'' to make clear that the rule does not preclude the Commission from exercising its authority under Exchange Act Sections 15F(l) and 21 to take certain actions against associated persons of SBS Entities, including barring them from association with an SBS Entity, if it finds the associated person to have engaged in certain enumerated activities. Likewise, we have also included the phrase ''provided that the statutory disqualification(s), described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934, occurred prior to the compliance date of this rule'' to make clear that this rule does not apply with respect to statutory disqualifications of non-natural associated persons of the SBS Entity that occur in the future (*i.e.,* after the compliance date of the registration rules).

Finally, the SBS Entity is required to identify, on Schedule C of Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, those non-natural persons associated with it, as of the date it submits an application for registration, that are subject to statutory disqualification and that it permits to effect or be involved in effecting security-based swaps on its behalf under the exclusion provided for in Rule 15Fb6–1. This condition is designed to provide the Commission with information to assist in its oversight of SBS Entities,[98] and to provide market participants with information regarding the extent to which an SBS Entity relies on this provision.

The Commission believes that the approach in Rule 15Fb6–1 appropriately considers the potentially competing objectives of facilitating an orderly

[94] *See supra,* footnote 89.

[95] *See* SIFMA Letter at 8.

[96] An SBS Entity could seek relief to allow an associated person subject to statutory disqualification to effect or be involved in effecting security-based swaps on its behalf. Paragraph (b)(6) of Exchange Act Section 15F gives the Commission authority to grant exceptions to the general prohibition ''by rule, regulation, or order.'' In addition, the Commission has proposed in a separate rulemaking today to provide a procedure by which SBS Entities could seek such relief. *Applications by Security-Based Swap Dealers or Major Security-Based Swap Participants for Statutorily Disqualified Associated Persons to Effect or be Involved in Effecting Security-Based Swaps,* Exchange Act Release No. 75612 (Aug. 5, 2015) (the ''Rule 194 Proposing Release''). *See also infra* Section III.B., which discusses the relationship between the compliance date and proposed Rule 194.

[97] *Id.*

[98] As discussed in more detail in Section II.G. below, the Commission will use the information provided in the application for registration, including Schedule C, as part of its ongoing oversight of an SBS Entity (for example by assisting representatives of the Commission in the preparation for examination of an SBS Entity, or more broadly to monitor risks specific to a firm or to the market more generally or to assess trends across firms).

registration process by minimizing the potential for market and counterparty disruption while maintaining strong investor protections. In particular, while the rule provides targeted relief with respect to non-natural person entities when an SBS Entity initially registers with the Commission, it is not applicable to associated persons who are natural persons and would not apply to entities an SBS Entity may want to associate with after it is registered nor to statutorily disqualifying events that occur after the compliance date of the rule.

ii. Involved in Effecting Transactions

The Commission has previously interpreted the term ''effecting transactions'' in the context of securities transactions to include a number of activities, ranging from identifying potential purchasers to settlement and confirmation of a transaction.[99] The statutory provision on statutory disqualification in Section 15F(b)(6) of the Exchange Act includes the phrase ''involved in effecting,'' separately and in addition to ''effecting.'' We understand the inclusion of two separate terms in Section 5F(b)(6) to mean that the terms have different meanings, and that the term ''involved in effecting'' includes a broader range of activities than simply ''effecting'' security-based swap transactions. Further, while the commenter suggested that we narrow the scope of the term ''involved in effecting,'' it did not suggest that we treat ''effect'' and ''involved in effecting'' as having the same meaning.[100]

Generally, we view the types of activities covered by the term ''involved in effecting'' in Section 15F(b)(6) to relate directly to key aspects of the overall process of effecting security-based swap transactions, including sales, booking and cash and collateral management activities. We believe it would be inappropriate to focus solely on the persons that effect transactions and not also on those that are involved more broadly in these key aspects of the process necessary to facilitate transactions, because persons involved in these key aspects of the process have the ability, through their conduct (intentional or unintentional), to increase risks to investors, counterparties and the markets. However, we are further clarifying the meaning of the term ''involved in effecting,'' as discussed below.

In the Registration Proposing Release we explained our view generally that ''involved in effecting'' included ''persons on a trading desk actively involved in effecting security-based swap transactions.'' Upon further consideration, we did not mean to imply (by use of the term ''actively'') that there is some minimum amount of trading a person working on a trading desk must be involved with to be considered ''involved in effecting'' security-based swap transactions. In general, our focus is on the type of activity, not the amount of activity. In addition, we believe it is preferable to use the term ''executing'' because it is more precise and eliminates the perceived definitional circularity. We believe it is appropriate to clarify our guidance in this manner because the totality of the guidance provided covers other key aspects of the overall process of effecting security-based swap transactions.

We also are clarifying that by including ''persons assuring that the SBS Entity's security-based swap business operates in compliance with applicable regulations,'' we intended to include only ''persons directly supervising'' the persons engaged in the other, specified activities. We believe that it is appropriate to view the scope more narrowly rather than to suggest that it includes all persons at an SBS Entity in any way involved in assuring compliance with applicable rules. Consequently, we believe the term ''involved in effecting security-based swaps'' generally means engaged in functions necessary to facilitate the SBS Dealer's or Major SBS Participant's security-based swap business, including, but not limited to the following activities: (1) Drafting and negotiating master agreements and confirmations; (2) recommending security-based swap transactions to counterparties; (3) being involved in executing security-based swap transactions on a trading desk; (4) pricing security-based swap positions; (5) managing collateral for the SBS Entity; and (6) directly supervising persons engaged in the activities described in items (1) through (5) above.

iii. Licensing

Another commenter suggested that the Commission should establish licensing requirements.[101] After considering the comment, the Commission is not at this time adopting licensing requirements for associated persons of SBS Entities. While SROs generally establish licensing and qualification requirements for those persons associated with their member broker-dealers,[102] there is no similar SRO regulatory system for security based swap dealers.[103] In addition, the Commission does not have licensing or qualification requirements for other market intermediaries registered with it that are not subject to regulation by an SRO. Furthermore, as discussed above, the CCO certification should provide assurance that associated persons of SBS Entities that effect or are involved in effecting security-based swap transactions are not statutorily disqualified by attesting that the firm has itself performed this review. We believe that a CCO would have incentive to provide an accurate certification due to potential regulatory consequences. Consequently, we do not believe a licensing scheme is necessary at this time, and we are not adopting a licensing scheme.

2. Questionnaire or Application for Employment and Background Checks

As noted, to support the certification required by paragraph (a) of proposed Rule 15Fb6–1, proposed Rule 15Fb6–1(b) would have required that an SBS Entity obtain a questionnaire or application for employment executed by each of its associated persons who effects or is involved in effecting security based swaps on the SBS Entity's behalf which would serve as a basis for a background check of the associated person and be reviewed and signed by the SBS Entity's CCO (or his

[99] *See, e.g.,* Temporary Rule 11a2–2(T), which states, ''a member [of a national securities exchange] 'effects' a securities transaction when it performs any function in connection with the processing of that transaction, including, but not limited to, (1) transmission of a order for execution, (2) execution of the order, (3) clearance and settlement of the transaction, and (4) arranging for the performance of any such function.'' 17 CFR 240.11a2–2(T) (2014), and *Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934,* Securities Exchange Act Release No. 44291 (May 11, 2001), 66 FR 27760, 27772–73 (May 18, 2001) (where the Commission stated that ''[e]ffecting transactions in securities includes more than just executing trades or forwarding securities orders to a broker-dealer for execution. Generally, effecting securities transactions can include participating in the transactions through the following activities: (1) Identifying potential purchasers of securities; (2) screening potential participants in a transaction for creditworthiness; (3) soliciting securities transactions; (4) routing or matching orders, or facilitating the execution of a securities transaction; (5) handling customer funds and securities; and (6) preparing and sending transaction confirmations (other than on behalf of a broker-dealer that executes the trades).'' (footnotes omitted)).

[100] *See* SIFMA Letter, at 8.

[101] *See* the 2011 Better Markets Letter, at 7–8.

[102] *See e.g.,* FINRA's NASD Rule 1031 and FINRA Rule 1230(b)(6) (applicable to associated persons of broker-dealers), and MSRB Rules G–2 and G–3 (applicable to associated persons of municipal securities brokers and municipal securities dealers). *See also,* 15 U.S.C. 78f(c)(3)(A) and (B), 15 U.S.C. 78o–3(g)(3)(A) and (B), and 15 U.S.C. 78o–4(b)(2)(A)(iii) authorizing such rules.

[103] *See supra,* discussion in Section II.A.1.ii.

or her designee). In addition, proposed Schedule G to Forms SBSE, SBSE–A, and SBSE–BD would have required the SBS Entity's CCO to certify that the applicant had performed background checks on all of its associated persons who effect or are involved in effecting, or who will effect or be involved in effecting, security-based swaps on its behalf and determined that no associated person who effects or is involved in effecting, or who will effect or be involved in effecting, security-based swaps on its behalf is subject to statutory disqualification, as defined in Section 3(a)(39) of the Exchange Act.

One commenter stated that entities that screen employees pursuant to other regulatory requirements may decide to register as SBS Entities, and that the Commission should confirm that SBS Entities that are also registered as broker-dealers or that have affiliated broker-dealers may rely on the questionnaires and background checks they conduct of associated persons under Commission and FINRA rules to satisfy their Rule 15Fb6–1 background check obligation, and allow SBS Entities that are not broker-dealers but are overseen by a prudential regulator to rely on the questionnaires and background checks they conduct pursuant to the requirements of their prudential regulator to satisfy those obligations.[104]

The rules as adopted do not specify what steps an SBS Entity should take to perform a background check.[105] The required employment questionnaire or application includes a significant amount of information that can be helpful to determine whether an associated person may be subject to a statutory disqualification.[106] In addition, we believe financial institutions already take steps to verify the background of their employees, such as by calling past employers and checking references. In some cases calling references and past employers may be sufficient, while in other circumstances a firm may decide to take additional steps. We believe it is important for firms to have flexibility to perform background checks, as long as those checks provide them with sufficient comfort to certify that none of the SBS Entity's employees who effect or are involved in effecting security-based swaps on the SBS Entity's behalf are subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission.[107]

As noted, the rules as adopted do not specify what steps an SBS Entity should take to perform a background check. As such, with respect to an SBS Entity whose associated persons are also associated with an affiliated broker-dealer, CFTC-registered entity, or bank, there may be circumstances where the SBS Entity and its CCO are able to rely on current background checks of dual employees performed by an affiliated, regulated entity, as long as those checks provide them with sufficient comfort to certify that none of the SBS Entity's employees who effect or are involved in effecting security-based swaps on the SBS Entity's behalf are subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission.[108]

One commenter stated that the statutory disqualification requirements would apply to a foreign registered SBS Entity as a whole (*i.e.,* an entity-level, as opposed to transaction-level, requirement), without regard to the identity of a given counterparty, resulting in situations where non-U.S. employees of non-U.S. SBS Entities who do not interact with U.S. customers would be required to submit to U.S. background checks for statutory disqualification purposes.[109] This commenter indicated that this approach diverges from that adopted by the CFTC, which it states does not apply its statutory disqualification requirements to associated persons of its registrants who engage in activity outside the U.S. and limit such activity to customers located outside the U.S.[110] This commenter recommended that the Commission re-categorize licensing and statutory disqualification requirements as transaction-level requirements because limiting background checks to personnel interacting with U.S. persons would help eliminate potential conflicts with local privacy laws, which the commenter states in some cases may prohibit background checks for employees based abroad.[111]

As noted in Section II.A.1.vi., in the Cross Border Proposing Release the Commission proposed Rule 3a71–5 to facilitate certain substituted compliance determinations by the Commission for foreign SBS Dealers.[112] Paragraph (a)(3) of that proposed rule specified that the Commission would not make a substituted compliance determination with respect to registration requirements described in Sections 15F(a)–(d) of the Exchange Act and the rules and regulations thereunder. As discussed above, the Commission continues to believe that substituted compliance should not be available for SBS Entity Registration.[113] The Commission holds this view with respect to all aspects of SBS Entity registration, including the requirements relating to statutory disqualification.

Exchange Act Section 15F(b)(6) generally prohibits an SBS Entity, except as otherwise permitted by rule, regulation or order of the Commission, from permitting any person associated with the SBS Entity who is subject to a ''statutory disqualification'' to effect or be involved in effecting security-based swaps on behalf of the SBS Entity if the SBS Entity knew, or in the exercise of reasonable care should have known, of the statutory disqualification. Rule 15Fb6–2(a) as adopted states that no registered SBS Entity shall act as an SBS Entity unless it has certified that no person associated with such SBS Entity who is effecting or involved in effecting security-based swaps on behalf of the SBS Entity is subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission. Rule 15Fb6–2(b) as adopted further states that (1) to support the certification required by paragraph (a), the SBS Entity's CCO, or his or her designee, shall review and sign the questionnaire or application for employment, which the SBS Entity is required to obtain pursuant to the relevant recordkeeping rule applicable to such SBS Entity, executed by each associated person who is a natural person and who effects or is involved in effecting security based swaps on the SBS Entity's behalf; and (2) the questionnaire or application shall serve as a basis for a background check of the associated person to verify

[104] *See* SIFMA Letter, at 9.

[105] *See infra,* Section II.B.3.

[106] *See infra,* footnote 120 and accompanying text. *See also,* 17 CFR 240–17a–3(a)(12)(i) and proposed Rule 18a–5(b)(8)(i).

[107] *See,* Rule 194 Proposing Release.

[108] As we have amended paragraph (b) of Rule 15Fb6–2 to require that the CCO, or his or her designee, sign the questionnaire or application that the SBS Entity is required to obtain pursuant to the relevant recordkeeping rule applicable to such SBS Entity, we believe it would be appropriate for the Commission to address the issue of whether an SBS Entity can fulfill its obligation to obtain questionnaires or applications for employment by relying on other documents in the release that will address the recordkeeping requirements for SBS Entities. *See infra,* footnotes 120 and 121 and accompanying text for a discussion of Rule 15Fb6–2(b). *See also,* Rule 194 Proposing Release.

[109] *See* IIB letter, at 20.

[110] *Id.*

[111] *Id.*

[112] *See* Cross-Border Proposing Release, at 31207–8. *See also* Cross-Border Proposing Release, at 31015–31016.

[113] *See supra,* Section II.A.1.vi.

that the person is not subject to statutory disqualification.[114]

The requirements in paragraph (b) of Rule 15Fb6–2 are designed to support the CCO Certification Regarding Associated Persons required by paragraph (a) of the rule, and the CCO Certification Regarding Associated Persons is designed to provide the Commission with representations regarding the applicant's compliance with the statutory disqualification provision in Section 15F(b)(6) of the Exchange Act. We believe that these requirements are important aspects of our registration regime for SBS Entities, as they will in part help ensure that SBS Entities are performing the necessary diligence to support the requirements of Exchange Act Section 15F(b)(6). The requirements in Rule 15Fb6–2(b) regarding questionnaires or applications and background checks are important elements of each SBS Entity's determination with respect to whether its associated persons that effect or are involved in effecting security-based swap transactions are subject to statutory disqualifications, and can serve as an effective tool for the Commission to use to assess the SBS Entity's diligence with respect to, and compliance with, the requirements of paragraph (a) of the rule. The Commission has considered the function that these statutory disqualification requirements play in the effective oversight and regulation of SBS Entities and has concluded that entity-level classification—and application to all associated persons—will provide for more effective oversight and regulation. Thus, while the Commission has taken into consideration the commenter's concerns regarding the potential impact of certain foreign privacy laws, we are not convinced at this time of a need or basis to provide an exclusion for SBS Entities from the statutory disqualification requirements with respect to certain of its associated persons that are natural persons who effect or are involved in effecting security-based swaps on its behalf. Accordingly, under our final rules, we continue to treat these requirements as entity-level requirements applicable to all associated persons of the registered foreign SBS Entity that effect or are involved in effecting security-based swap transactions.

3. Final Rule for Associated Person Certification

Therefore, for the reasons discussed above, we are adopting the language proposed as Rule 15Fb6–1 as Rule 15Fb6–2 with some modifications, as described below. Paragraph (a) of Rule 15Fb6–2, as adopted, requires that an SBS Entity certify, on Form SBSE–C, that it neither knows, nor in the exercise of reasonable care should have known, that any person associated with it who effects or is involved in effecting security-based swaps on its behalf is subject to statutory disqualification, as described in Sections 3(a)(39)(A) through (F) of the Exchange Act, unless otherwise specifically provided by rule, regulation or order of the Commission.[115] We incorporated the phrase ''neither knows, nor in the exercise of reasonable care should have known'' to assure that the language in the certification more closely tracks the requirements of Exchange Act Section 15F(b)(6). We added the phrase ''unless otherwise specifically provided by rule, regulation or order of the Commission'' to this paragraph to acknowledge that if the Commission provides relief to allow an SBS Entity to permit a person associated with it who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf,[116] the SBS Entity may do so.[117] In addition, we amended the reference to Exchange Act Section 3(a)(39) in the rule text to replace the phrase ''as defined in Section 3(a)(39) of the Securities Exchange Act of 1934'' with the phrase ''as described in Sections 3(a)(39)(A)–(F) of the Securities Exchange Act of 1934.'' This updated cross-reference incorporates the underlying issues that give rise to statutory disqualification without reference to SRO membership.[118] Finally, as described more fully in Sections II.G.1 and II.G.4 below, we have moved the CCO Certification Regarding Associated Persons from Schedule G into Form SBSE–C. This change clarifies that the CCO Certification Regarding Associated Persons is required only at the time of registration to provide the Commission with information before making a determination as to whether to grant registration or institute proceedings to deny registration.[119]

Paragraph (b) of Rule 15Fb6–2 as adopted states that, to support the certification required by paragraph (a), an SBS Entity's CCO, or his or her designee, shall review and sign each questionnaire or application for employment, which the SBS Entity is required to obtain pursuant to the relevant recordkeeping rule applicable to such SBS Entity, executed by each associated person who is a natural person and who effects or is involved in effecting security based swaps on the SBS Entity's behalf, and that the questionnaire or application shall serve as a basis for a background check of the associated person to verify that the person is not subject to statutory disqualification. We have amended paragraph (b) of Rule 15Fb6–2 in recognition of the fact that the Commission separately proposed Rule 18a–5(b)(8)(i), as part of its proposed recordkeeping and reporting rules that would be applicable to stand-alone SBS Dealers, stand-alone Major SBS Participants, bank SBS Dealers, and bank Major SBS Participants, which would require SBS Entities to obtain an employment questionnaire or application from their associated persons that would contain the same information as in proposed Rule 15Fb6–2(b).[120] We do not believe that it would be efficient or necessary to repeat the same requirement for obtaining such questionnaires or applications in two separate Commission rules.[121] We believe that it is more appropriate to include the underlying requirement to obtain the questionnaires or applications in the Commission rule that would broadly cover the books and records requirements for an SBS Entity, and to provide in Rule 15Fb6–2 the

[114] *See also* Form SBSE–C and Rule 15Fb6–2(b).

[115] The certification must be accurate when it is signed. Final Rule 15Fb1–1(b), described below in Section II.F., would require each SBS Entity to maintain a manually signed copy of this certification as part of its books and records until at least three years after the certification has been replaced or is no longer effective.

[116] *E.g., See,* Rule 15Fb6–1 and the Rule 194 Proposing Release.

[117] *See supra,* footnote 96. This language is designed to track Exchange Act Section 15F(b)(6), which states, in part, ''[e]xcept to the extent otherwise specifically provided by rule, regulation or order of the Commission, it shall be unlawful . . .''

[118] As proposed, the associated person certification in Schedule G included the phrase ''will effect or be involved in effecting,'' while the associated person certification requirement in proposed Rule 15Fb6–1(a) did not. Because the certification is not designed to be forward-looking, and to ensure that Rule 15Fb6–2 and Form SBSE–C, as adopted, have the same language for the same certification, we removed the phrase ''will effect or be involved in effecting'' from the certification contained in Form SBSE–C as adopted.

[119] 15 U.S.C. 78o–10(b)(6).

[120] *See* Books and Records Proposing Release, at 25205.

[121] Paragraph (c) of proposed Rule 15Fb6–1 also would have established a requirement to maintain these employment questionnaires and applications for at least three years after the associated person has terminated his or her association with the SBS Entity. This is substantially the same as the requirement in proposed Rule 18a–6(b) relating to the records created in accordance with Rule 18a–5(b)(8)(i). Rule 15Fb6–2 as adopted, removes this proposed requirement because we intend for the recordkeeping rule to comprehensively address recordkeeping issues.

requirement that the CCO sign and review the questionnaire or application that the SBS Entity is required to obtain pursuant to the relevant recordkeeping rule applicable to such SBS Entity, and use it as a basis for a background check, to support the certification required by Rule 15Fb6–2(a).

In addition, we have revised final Rule 15Fb6–2(b) to add the phrase ''who is a natural person'' in recognition of the fact that only natural persons would be required to complete this type of questionnaire or application. Consequently, the CCO (or the CCO's designee) only must review and sign questionnaires or applications for associated persons that are natural persons. Rule 15Fb6–2(b) as adopted also states that the questionnaire or application shall serve as a basis for a background check of the associated person to verify that the person is not subject to statutory disqualification. This provision is designed to help ensure that due regard is paid to this requirement to collect information on employees and that the SBS Entity's CCO or designee reviews the application and takes any other necessary steps to assure that none of the SBS Entity's employees who effect or are involved in effecting security-based swaps on the SBS Entity's behalf is subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission. As paragraph (b) of Rule 15Fb6–2 is designed to support the certification required by paragraph (a) at the time of registration, it does not impose ongoing obligations. However, the Commission emphasizes that the obligation to comply with Section 15F(b)(6) of the Exchange Act is ongoing.

C. Termination of Registration

1. Duration of Registration: Rule 15Fb3–1

Exchange Act Section 15F(b)(3) provides that ''each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.'' This provision is similar to CEA Section 6f(a)(1), which provides that ''each registration shall expire on December 31 of the year for which issued or at such other time, not less than one year from the date of issuance, as the Commission may by rule, regulation, or order prescribe. . . .'' CEA Rule 3.10(b) provides, among other things, that persons registered with the CFTC pursuant to CEA Rule 3.10 ''will continue to be so registered until the effective date of any revocation or withdrawal of such registration.''

As proposed, paragraph (a) of Rule 15Fb3–1 would have established a similar continuous registration as is set forth in CEA Rule 3.10(b), providing that registered SBS Entities ''continue to be so registered until the effective date of any cancellation, revocation or withdrawal of such registration or any other event the Commission determines should trigger expiration.'' Paragraph (b) of the proposed rule would have established the timeframes within which conditional registration would expire if ongoing registration was not obtained.[122] Paragraph (c) of the proposed rule would have allowed the Commission to extend conditional registration for good cause. The Commission received no comments on this proposed rule.

We are adopting this proposed rule with several modifications. First, we modified the language of paragraph (a) to eliminate the phrase ''or any other event the Commission determines should trigger expiration'' because if we determine an SBS Entity's registration should terminate we would follow the revocation process set forth in Rule 15Fb3–3. Consequently, this phrase is extraneous and could cause confusion if not removed. In addition, we have modified the language of paragraph (b) to provide that a person conditionally registered as an SBS Entity will continue to be so registered until the date the registrant withdraws from registration or the Commission grants or denies the person's ongoing registration, as described in Rule 15Fb2–1(e). We also eliminated paragraph (c), because applicants will be conditionally registered upon filing a complete application, and conditional registration will not expire until the Commission either grants or denies ongoing registration. Thus, there is no instance in which an applicant's conditional registration would need to be extended.

2. Withdrawal: Rule 15Fb3–2

As proposed, Rule 15Fb3–2 was designed to provide a process by which an SBS Entity may withdraw from registration with the Commission. The rule was based on Exchange Act Rule 15b6–1, which has historically worked well to facilitate broker-dealer withdrawals.[123]

Proposed Rule 15Fb3–2(a) would have required an SBS Entity to electronically file a notice of withdrawal from registration on Form SBSE–W (described in more detail below in Section II.G.4) in accordance with the instructions to the Form. It also would have required that an SBS Entity amend its Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, in accordance with proposed Rule 15Fb2–3 to update any inaccurate information prior to filing its notice of withdrawal from registration. The Commission received no comments on this aspect of the proposed rule. We are adopting paragraph (a) of Rule 15Fb3–2 substantially as proposed, but with a modification to specify that Form SBSE–W must be filed with the Commission through the Commission's EDGAR system.

Paragraph (b) of proposed Rule 15Fb3–2 would have provided that a notice of withdrawal from registration filed by an SBS Entity generally becomes effective on the 60th day after the SBS Entity files Form SBSE–W. However, as discussed in the Registration Proposing Release, the Commission recognizes that there may be circumstances in which it would be advisable to provide flexibility in scheduling the termination of business operations to registered entities seeking to withdraw from registration.[124] Further, we may determine that it would be appropriate for a registered entity that is under investigation by the Commission to maintain its registered status in order to allow the Commission to conclude a pending investigation without prematurely instituting a proceeding to impose conditions on the registered entity's withdrawal. In such instances, we believe it better serves the interests of all parties to provide registered entities and the Commission with the flexibility to extend the effective date of withdrawal, either by consent or Commission order. Thus, paragraph (b) of proposed Rule 15Fb3–2 identified specific situations in which notices of withdrawal from registration would not become effective on the 60th day after the SBS Entity filed Form SBSE–W. Specifically, proposed paragraph (b) stated that rather than becoming effective on the 60th day, the notices of withdrawal would instead

[122] More specifically, proposed paragraph (b)(1) would have provided that during the transitional period conditional registration granted by the Commission would expire on the last compliance date for SBS Entities that filed a completed application before the last compliance date, unless the SBS Entity filed with the Commission a certification, in which case conditional registration extended an additional thirty days. Proposed paragraph (b)(2) would have provided that after the last compliance date, conditional registration granted by the Commission to major security-based swap participants would expire four months after the major security-based swap participant filed its completed application, unless the major security-based swap participant filed a certification; in which case the conditional registration extended an additional thirty days.

[123] Registration Proposing Release, at footnote 62.

[124] *See* Registration Proposing Release, at 65798.

become effective ''within such longer period of time as to which such SBS Dealer or Major SBS Participant consents or which the Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors, or within such shorter period of time as the Commission may determine.''

Paragraph (b) of proposed Rule 15Fb3–2 also provided that if the Commission institutes proceedings prior to the effective date of Form SBSE–W to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of the SBS Entity, or to impose terms or conditions upon the SBS Entity's withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

The Commission received no comments on paragraph (b) of proposed Rule 15Fb3–2, and is adopting it as proposed.

3. Cancellation and Revocation: Rule 15Fb3–3

Proposed Rule 15Fb3–3 was designed to provide the Commission with the ability to either cancel or revoke a registered SBS Entity's registration. Paragraph (a) of proposed Rule 15Fb3–3 would have provided that the Commission shall cancel an SBS Entity's registration if the Commission finds that it is no longer in existence or has ceased to do business as an SBS Entity. As highlighted in the Registration Proposing Release, this cancellation process is designed to help the Commission allocate its examination and other resources to entities that are actively engaged in business regulated by the Commission.[125]

Paragraph (b) of proposed Rule 15Fb3–3 would have provided that the Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke (on a permanent or temporary basis) the registration of any SBS Entity that has registered with the Commission if it makes a finding as specified in Section 15F(l)(2) of the Exchange Act.[126] This paragraph of the Rule would implement the authority in Section 15F(l)(2) of the Exchange Act.

The Commission received no comments on this proposed rule, and is adopting it as proposed.

D. Special Requirements for Nonresident SBS Entities

As proposed, Rule 15Fb2–4 would have required, among other things, nonresident SBS Entities that register with the Commission to: (1) Appoint an agent for service of process in the United States (other than the Commission or a Commission member, official or employee) upon whom may be served any process, pleadings, or other papers in any action brought against the nonresident SBS Entity; (2) furnish the Commission with the identity and address of its agent for service of process; (3) certify that the firm can, as a matter of law, provide the Commission with prompt access to its books and records and can, as a matter of law, submit to onsite inspection and examination by the Commission; and (4) provide the Commission with an opinion of counsel concurring that the firm can, as a matter of law, provide the Commission with prompt access to its books and records and can, as a matter of law, submit to onsite inspection and examination by the Commission. Proposed Rule 15Fb2–4 also would have required registered nonresident SBS Entities to re-certify within 90 days after any changes in the legal or regulatory framework that would impact the nonresident SBS Entity's ability to provide, or the manner in which it provides, the Commission prompt access to its books and records or impacts the Commission's ability to inspect and examine the registered nonresident SBS Entity.

1. Definition of Nonresident SBS Entities

Paragraph (a) of proposed Rule 15Fb2–4 would have defined the terms ''nonresident security-based swap dealer'' and ''nonresident major security-based swap participant'' for purposes of Rule 15Fb2–4. Under this proposed definition, the term ''nonresident'' SBS Entity would have been defined to mean: in the case of an individual, one who resides, or has his or her principal place of business, ''in any place not in the United States;'' in the case of a corporation, one incorporated in or having its principal place of business ''in any place not in the United States;'' and in the case of a partnership or other unincorporated organization or association, one having its principal place of business ''outside the United States.'' The Commission received no comments on paragraph (a) of Rule 15Fb2–4, and is adopting these definitions as proposed with one technical change to make the language in the three sub-paragraphs (applicable to individuals, corporations, and partnerships) consistent.[127]

2. United States Agent for Service of Process

Paragraphs (b)(1) and (2) of proposed Rule 15Fb2–4 would have required that each nonresident SBS Entity registered or registering with the Commission obtain a written irrevocable consent and power of attorney appointing an agent for service of process in the United States (other than the Commission or a Commission member, official or employee) upon whom may be served any process, pleadings, or other papers in any action brought against the nonresident SBS Entity, and furnish the Commission with the identity and address of its agent for services of process on Schedule F to Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable.[128] Paragraph (b)(1) also would have required that the consent and power of attorney be signed by both the nonresident SBS Entity and the agent(s) for service of process. Paragraphs (b)(3) and (b)(4) of proposed Rule 15Fb2–4 would have required that registered nonresident SBS Entities promptly appoint a successor agent if it discharges its identified agent for service of process or if its agent for service of process is unwilling or unable to accept service on its behalf, and promptly inform the Commission, through an amendment of the Schedule F of Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, of any change to either its agent for service of process or the name or address of its existing agent for service of process. These requirements are important to facilitate the ability of the Commission and others (for example, the U.S. Department of Justice and any other agency with the power to enforce the Exchange Act) to serve process on a nonresident SBS Entity to enforce the Exchange Act. Finally, paragraph (b)(5) of proposed Rule 15Fb2–4 would have required that the registered nonresident SBS Entity maintain, as part of its books and records, the agreement identified in paragraph (b)(1) for at least three years after the agreement is terminated.

The Commission received no comments on paragraphs (b)(1) through

[125] *See* Registration Proposing Release, at 65799.

[126] *See* Exchange Act Section 15F(l)(2), stat. at 15 U.S.C. 78o–10(l) (providing authority to the Commission to censure, place limitations on the activities, functions, or operations of, or revoke the registration of any SBS Entity).

[127] As proposed, paragraphs (a)(1) and (a)(2) included the phrase ''not in the United States,'' while paragraph (a)(3) used the phrase ''outside the United States.'' We modified paragraph (a)(3) to track the phrase included in paragraphs (a)(1) and (a)(2), ''not in the United States.''

[128] Paragraphs (b)(1) and (b)(2) of proposed Rule 15Fb2–4, respectively.

(b)(3) of Rule 15Fb2–4, and is adopting them as proposed. We are adopting paragraphs (b)(4) and (b)(5) with one modification to each to address the documentation of successor agents for service of process. First, we have modified paragraph (b)(4) to clarify that if a nonresident SBS Entity appoints a successor agent for service of process, it must follow the same process described in paragraph (b)(1). We also modified paragraph (b)(5) to require that SBS Entities preserve agreements obtained not only under paragraphs (b)(1), but also under paragraph (b)(4). While we originally intended that SBS Entities would use the same process when replacing an agent for service of process as they did when initially appointed an agent for service of process, we realize that the proposed rule text was unclear on this point.

3. Access to Books and Records, and Onsite Inspections and Examinations, of Nonresident SBS Entities

The Commission proposed to require that each nonresident SBS Entity registering with the Commission certify on Schedule F of Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, that it can, as a matter of law, provide the Commission with prompt access to its books and records and can, as a matter of law, submit to onsite inspection and examination by the Commission.[129] The proposal also would have required that this certification be supported by an opinion of counsel obtained by the nonresident SBS Entity.[130]

The Commission received three comments on these proposed requirements. Two commenters contended that the Commission should not require the opinion of counsel from foreign SBS Entities because many non-U.S. entities currently engaged in the SBS business in the U.S. will be legally prevented from registering as SBS Entities.[131] One commenter expressed concern that requiring nonresident SBS Entities to provide an opinion of counsel and certify that they can provide the Commission with access to their records and submit to inspections could decrease market liquidity and cause market disruptions, and could introduce competitive disparities with respect to market access.[132] The third commenter stated, in a section of its letter titled ''Direct access to Firm Records,'' that SBS Entities should not be required to certify or obtain an opinion of counsel because ''any need to access the books or records of [a European Union] firm or to carry-out onsite inspections of [European Union] firms, should be addressed through cooperation with the relevant national regulator, via supervisory cooperation and information sharing which are well established channels for cooperative oversight of firms that are internationally active.'' [133]

While it is possible that nonresident SBS Entities in jurisdictions with legal barriers could be prevented from registering with the Commission because they are unable to comply with the certification requirement, these firms also could choose to restructure their respective businesses such that the registered entity can make the appropriate certification to allow it to register. In addition, this requirement is designed to decrease, rather than increase, competitive disparities between SBS Entities registered with the Commission with respect to their ability to provide access to records and submit to examinations because U.S. SBS Entities must provide access to records and are subject to our examinations.[134] While we recognize that this requirement may be an issue for some prospective registrants, we believe that significant elements of an effective regulatory regime are the Commission's abilities to access registered SBS Entities' books and records and to inspect and examine the operations of registered SBS Entities.[135] Some jurisdictions' laws may require regulators to redact certain information prior to providing the books and records to the SEC or withhold certain records altogether. Thus, if the Commission were to rely solely on information-sharing arrangements with foreign regulators, it could be unable to obtain complete copies of those records, which could compromise the Commission's ability to effectively supervise registered SBS Entities. Therefore, we continue to believe that the Commission must have assurances about access to those entities' records and the ability to inspect and examine them in order to effectively fulfill its regulatory oversight responsibilities with respect to SBS Entities registered with us.

Moreover, obtaining information through any third party raises the risk of delay in obtaining information needed to complete staff examinations. Delays in obtaining such information could compromise the ability of the Commission to supervise registered SBS Entities effectively, particularly in the case of SEC staff examinations initiated for cause. The Commission continues to believe that it must be able to access registered SBS Entity books and records and inspect and examine them without only going through a third party, such as a foreign regulator, to effectively fulfill its regulatory oversight responsibilities.

The Commission's memoranda of understanding with foreign counterparts on supervisory cooperation matters (Supervisory MOUs) reflect the Commission's approach to access described above, and are intended to supplement, not replace the Commission's authority to obtain books and records from registrants and conduct onsite examinations without only going through a third party.[136] In the Commission's view, supervisory cooperation complements the Commission's access to SEC registrants in the oversight context.[137] Using various supervisory cooperation mechanisms, including Supervisory MOUs, SEC staff and our foreign counterparts regularly consult, cooperate, and exchange supervisory information on a confidential basis about regulated entities that operate

[129] *See* proposed Rule 15Fb2–4(c)(1)(i) and Schedule F.

[130] *See* proposed Rule 15Fb2–4(c)(1)(ii) and Schedule F.

[131] *See* SIFMA Letter, at 9–10, and IIB Letter, at 19.

[132] *See* IIB Letter, at 19.

[133] *See* EC Letter at 3. We understand the term ''European Union firm'' to mean an SBS Entity who is located in, and subject to the regulations of, one of the European Union member states.

[134] *See,* Exchange Act Sections 15F(f)(1)(C), 15F(j)(4)(B), and the Books and Records Proposing Release, which proposed Rule 18a–6(d) and changes to Rule 17a–4.

[135] *See, e.g.,* Dagong Global Credit Rating Agency, Exchange Act Release No. 62968 (Sept. 22, 2010) (denying application as an NRSRO due to applicant's inability to comply with U.S. securities laws, in part because records requests would have to be approved by a Chinese regulator); *Dominick & Dominick, Inc.,* Exchange Act Release No. 29243 (May 29, 1991) (settled administrative proceeding involving a broker-dealer's failure to furnish promptly to the Commission copies of certain records required to be kept pursuant to Exchange Act Section 17(a)(1) and Rule 17a–3 thereunder where the broker-dealer initially asserted that Swiss law prevented it from producing the required records).

[136] The Commission's comprehensive supervisory MOUs generally contain the following paragraph: ''This MOU does not limit an Authority in taking solely those measures described herein in fulfillment of its supervisory functions. In particular, this MOU does not affect any right of any Authority to communicate with, conduct an On-Site Visit of (subject the procedures described in Article Four), or obtain information or documents from, any Person subject to its jurisdiction that is located in the territory of the other Authority.'' The Commission's Supervisory Cooperation MOUs can be accessed at: *http://www.sec.gov/about/offices/oia/oia_cooparrangements.shtml#reg.*

[137] See The International Organization of Securities Commission's (IOSCO) Final Report on Principles Regarding Cross-Border Supervisory Cooperation at 15 (noting that ''[supervisory cooperation] is not a mechanism for altering regulatory obligations or limiting regulatory responsibility with respect to regulators that have regulated entities in common).''

across borders, which assist staff with focusing their examinations and identifying potential risk areas at Commission registrants, among other things. Our Supervisory MOUs also discuss how the SEC and foreign regulators cooperate during onsite visits at these firms.

In light of the above, the Commission is adopting paragraph (c)(1)(ii) of Rule 15Fb2–4 as proposed, and is adopting paragraph (c)(1)(i) with one modification. As proposed, paragraph (c)(1)(i) would have required a nonresident SBS Entity to certify on Schedule F of Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, that it ''can as a matter of law'' provide the Commission with prompt access to its books and records and submit to onsite inspection and examination. As adopted, Rule 15Fb2–4(c)(1)(i) now requires the nonresident SBS Entity to certify that it ''can, as a matter of law, and will'' do those things.[138] This change from the proposal is intended to make clear to a nonresident SBS Entity that it is making an affirmative commitment to comply with its obligation to provide the Commission with prompt access to its books and records.[139]

Paragraph (c)(2) of proposed Rule 15Fb2–4 would have required that registered nonresident SBS Entities re-certify, on Schedule F to Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable, within 90 days after any changes in the legal or regulatory framework that would impact the nonresident SBS Entity's ability to provide, or the manner in which it provides, the Commission prompt access to its books and records or impacts the Commission's ability to inspect and examine the nonresident SBS Entity. The re-certification would have been required to include a revised opinion of counsel describing how, as a matter of law, the entity will continue to meet its obligations to provide the Commission with prompt access to its books and records and to be subject to Commission inspection and examination under the new regulatory regime. The Commission did not receive any comments on this requirement. We are adopting this provision as proposed. The Commission emphasizes that if a registered nonresident SBS Entity becomes unable to comply with this certification because of such changes, or otherwise, then this may be a basis for the Commission to institute proceedings to consider revoking the nonresident SBS Entity's registration.

E. Special Situations

1. Succession: Rule 15Fb2–5

The Commission proposed Rule 15Fb2–5 to provide a process through which an SBS Entity could succeed to the business of another SBS Entity.[140] As proposed, Rule 15Fb2–5(a) would have provided that, if an SBS Entity succeeds to and continues the business of another SBS Entity, the registration of the predecessor SBS Entity would remain effective as the registration of the successor if the successor files an application for registration in accordance with Rule 15Fb2–1 within 30 days after such succession, and the predecessor files a notice of withdrawal from registration on Form SBSE–W. Paragraph (b) of proposed Rule 15Fb2–5 would have provided that a successor firm that succeeds to the business of another, where the ownership or control of the SBS Entity does not change (*e.g.,* where the firm is changing its date or state of incorporation, form of organization, or the composition of a partnership), may simply amend the registration of the predecessor SBS Entity on Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, within 30 days after the change. The Commission received no comments on this proposed rule, and is adopting it as proposed.

2. Insolvency: Rule 15Fb2–6

The Commission proposed Rule 15Fb2–6 to provide a process through which an executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy or other fiduciary appointed or qualified by order, judgment or decree of a court of competent jurisdiction could continue the business of an SBS Entity.[141] Specifically, proposed Rule 15Fb2–6 would have provided that the registration of the SBS Entity shall be deemed to be the registration of the appointed fiduciary to continue the business of the registered SBS Entity; provided that the fiduciary filed with the Commission, within 30 days after entering upon the performance of his or her duties, an amended Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate, indicating the fiduciary's position with respect to management of the SBS Entity, along with a copy of the order, judgment, decree, or other document appointing the fiduciary. The Commission believes it is important to provide a fiduciary with time to close-out positions and/or wind down an SBS Entity's business. The Commission received no comments on this proposed rule, and is adopting it as proposed.

F. Electronic Signatures

The Commission proposed Rule 15Fb1–1 to establish requirements regarding electronically submitted forms and certifications that contain signatures. Proposed paragraph (a) of Rule 15Fb1–1 would have specified the format required for signatures to, or within, electronic submissions (including signatures within the forms and certifications required by proposed Rules 15Fb2–1, 15Fb2–4 and 15Fb6–2, discussed above).[142] Specifically,

[138] Failure to make this certification or provide an opinion of counsel would constitute a basis for the Commission to deny an application for registration.

[139] In accordance with Rule 15Fb1–1(b), as adopted, the SBS Entity will need to maintain a manually signed copy of this certification as part of its books and records until at least three years after the certification has been replaced or is no longer effective. *See infra,* Section II.F for a discussion of Rule 15Fb1–1.

[140] The proposed rule was based on Exchange Act Rule 15b1–3, which is applicable to registered brokers and dealers and facilitates succession of registrants (*see* Registration Proposing Release, at footnote 72). Consistent with the use of the term in connection with broker-dealer registration, the term ''succession'' means that a successor firm acquires or assumes substantially all of the assets and liabilities of the predecessor firm. *Registration of Successors to Broker-Dealers and Investment Advisers,* Exchange Act Release No. 31661 (Dec. 28, 1992) (58 FR 7 (Jan. 4, 1993)).

[141] The proposed rule was based on Exchange Act Rule 15b1–4, which applies to broker-dealer registrations. Rule 15b1–4 allows fiduciaries to wind-up broker-dealer businesses without the need to separately register as a broker-dealer (*see* Registration Proposing Release, at footnote 74).

[142] This rule is based on Section 302 of Regulation S–T [17 CFR 232.302] and is designed to require standard formatting of electronic signatures and provide the Commission with the ability to obtain additional documents to verify those signatures. Paragraph (a) of Section 302 generally requires that required signatures to, or within, any electronic submission (as specified) must be in typed form rather than manual format; signatures in an HTML document that are not required may, but are not required to, be presented in an HTML graphic or image file within the electronic filing, in compliance with the formatting requirements of the EDGAR Filer Manual; when used in connection with an electronic filing, the term ''signature'' means an electronic entry in the form of a magnetic impulse or other form of computer data compilation of any letters or series of letters or characters comprising a name, executed, adopted or authorized as a signature; and signatures are not required in unofficial PDF copies submitted in accordance with § 232.104. Paragraph (b) of Section 302 requires that each signatory to an electronic filing (as specified) shall manually sign a signature page or other document authenticating, acknowledging or otherwise adopting his or her signature that appears in typed form within the electronic filing; that such document shall be executed before or at the time the electronic filing is made and shall be retained by the filer for a period of five years; that, upon request, an electronic filer shall furnish to the Commission or its staff a copy of any or all documents retained pursuant to this section. Finally, paragraph (c) of Section 302 states that where the Commission's rules require a registrant to furnish to a national securities exchange or national securities

proposed paragraph (a) of Rule 15Fb1–1 would have required that required signatures in electronic submissions be in typed form rather than manual format. In addition, that paragraph would have specified that signatures in an HTML, XML or XBRL document that are not required may, but are not required to, be presented in a graphic or image file within the electronic filing. Further, proposed paragraph (a) of Rule 15Fb1–1 would have specified that when used in connection with an electronic filing, the term ''signature'' meant an electronic entry in the form of a magnetic impulse or other form of computer data compilation of any letters or series of letters of characters comprising a name, executed, adopted or authorized as a signature.

In addition, proposed paragraph (b) of Rule 15Fb1–1 would have required that each signatory to such an electronic filing manually sign a signature page or other document authenticating, acknowledging or otherwise adopting his or her signature that appeared in typed form within the electronic filing either before or at the time the electronic filing is made. Proposed paragraph (b) also would have required that the SBS Entity create the manually signed document when the electronic form is submitted, and furnish a copy of that document to the Commission upon request. Proposed paragraph (c) of Rule 15Fb1–1 would have prohibited a person required to provide a signature on an electronic submission from having another person sign the form or certification on his or her behalf pursuant to a power of attorney or other form of confirming authority.[143] Finally, proposed paragraph (d) would have required that the SBS Entity retain the manually signed document associated with Schedules F and G of Forms SBSE, SBSE–A, or SBSE–BD, as appropriate, until at least three years after the form or certification has been replaced or is no longer effective.

The Commission received no comments on proposed Rule 15Fb1–1. The Commission believes that these provisions are necessary to assure that persons signing certifications can be held responsible for their statements. We therefore are adopting Rule 15Fb1–1 substantially as proposed, but with a modification in paragraph (a) to eliminate reference to conditional registration and to change the phrase ''series of letters *of* characters'' to ''series of letters *or* characters'' to correct this typographical error.

G. Forms

1. Form SBSE

As proposed, Form SBSE was generally based on Form BD (the consolidated Form used by broker-dealers to register with the Commission, states and SROs), as modified to recognize differences between the broker-dealer and security-based swap businesses. We explained in the Registration Proposing Release that using Form BD as a template for the registration of SBS Entities would be logical and efficient because Form BD has been used to gather and organize information concerning applicants' business operations to facilitate registration decisions, as well as ongoing examination and monitoring of registrations, and SBS Entities will be subject to many requirements similar to those that affect broker-dealers.[144]

The Commission re-proposed Form SBSE in the Cross-Border Proposing Release to add three questions and to add a new instruction to clarify that if an application is not filed properly or completely, it may be delayed or rejected.[145] Two of the new questions were designed to elicit information with respect to substituted compliance. The other requested information on whether potential applicants are registered with or subject to the jurisdiction of a foreign financial regulatory authority, which would provide the Commission with information regarding other regulatory schemes that may be applicable to an applicant. In addition, the re-proposal modified proposed Schedule F to provide applicants with additional space to provide information on foreign regulators with which they may be registered or that otherwise have jurisdiction over them.

The Commission requested comment on all aspects of Form SBSE in the Registration Proposing Release and in the Cross-Border Proposing Release. The Commission received one comments on proposed Form SBSE.[146] The commenter contended that several of the required disclosures on proposed Form SBSE, including the disclosure of disciplinary matters affecting control affiliates, appear to impose significant burdens on registrants.[147]

The Commission believes that the information proposed to be disclosed on Form SBSE, including the disclosure of disciplinary matters affecting control affiliates, is necessary and appropriate for it to be able to effectively carry out its responsibilities with respect to registration and on-going oversight of SBS Entities. While we recognize that there may be costs involved in collecting and providing this information, we have tailored these forms to minimize costs for applicants by providing shorter forms for applicants already registered or registering with the Commission as broker-dealers and applicants already registered or registering with the CFTC as swap dealers or major swap participants so that they are not required to submit duplicative information. The information provided through those disclosure reporting pages on the applicant and its control affiliates will help the Commission identify potential risks to the applicant, the markets, and investors, and determine whether the Commission should grant registration.[148] The information also will be used by examination staff to help understand potential risks on a going forward basis and to assist in determining which firms should be examined.

An applicant's control affiliates are persons it controls, who control it, or who are under common control with it, and thus are in a unique position to impact the applicant's operations. To the extent a control affiliate controls the applicant, it is in a unique position to affect the applicant's ability to comply with applicable regulations, and a disciplinary proceeding could reflect issues shared by the applicant. To the extent a control affiliate is under the applicant's control, if it is subject to a disciplinary proceeding it may provide insights into issues also present at the applicant, and could have a financial impact on the applicant.[149] Further, the

association paper copies of a document filed with the Commission in electronic format, signatures to such paper copies may be in typed form.

[143] Paragraph (c) of Rule 15Fb1–1 is based on paragraph (c) of Exchange Act Rule 15d–14, which states, ''[a] person required to provide a certification specified in paragraph (a), [. . .] may not have the certification signed on his or her behalf pursuant to a power of attorney or other form of confirming authority.''

[144] Registration Proposing Release, at 65802.

[145] Cross-Border Proposing Release, at 31027–8 and 31224–77.

[146] *See* SIFMA Letter, at page 4.

[147] *Id.*

[148] Pursuant to Rule 15Fb2–1(e), the Commission will grant ongoing registration if it finds that the requirements of Exchange Act Section 15F(b) are satisfied, but may institute proceedings to determine whether ongoing registration should be denied if it does not make such finding or if the applicant is subject to a statutory disqualification (as described in Sections 3(a)(39)(A) through (F) of the Exchange Act), or the Commission is aware of inaccurate statements in the application or certification.

[149] For instance, a disciplinary proceeding against an applicant's subsidiary relating to lax internal controls, while not conclusively indicative of problems at the applicant, could indicate the applicant may need to review and strengthen its

Continued

types of disclosures required by the Forms are generally limited to significant actions (*e.g.,* relating to felonies, whether the applicant or a control affiliate has been found to have made a false statement or omission or violated applicable regulations, or whether the applicant or a control affiliate has been suspended from engaging in an investment-related business). It is important for us to be aware of these issues not just at registration, but also on an ongoing basis to inform our oversight of registered SBS Entities. Given this we believe it is important for SBS Entities to include this information when they register and on a going forward basis (*i.e.,* by amending their application), so that we can fully consider the firm's disciplinary history and how the disciplinary history of its control affiliates may impact its ability to comply with our regulations.

The Commission is adopting Form SBSE, substantially as re-proposed, but modified as follows. First, we added text throughout the Form to elicit information regarding unique identification codes (or ''UICs''), which the applicant or its control affiliates might have, as well as a definition for UICs.[150] We included UICs in Regulation SBSR,[151] and believe it is appropriate to collect this information, to the extent such persons have been assigned UICs, in Form SBSE for use by the staff and the public. Second, we have made a technical change to provide additional clarification of applicable law. In particular, the re-proposed Form stated ''intentional misstatements or omissions of facts may constitute criminal violations.'' We have modified this statement to clarify that intentional misstatements or omissions of fact when filing information with the Commission may constitute a federal criminal violation under 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).[152]

Thus, as adopted, Form SBSE requires an applicant to provide certain general corporate and contact information.[153] Further, the applicant must identify whether it is applying to register as an SBS Dealer or Major SBS Participant and whether it is succeeding to the business of another SBS Entity,[154] and must briefly describe its business.[155] In addition, the applicant must provide information regarding other regulators with which it may already be registered, including foreign regulators.[156] The Form also requires that the applicant provide information as to whether any other person, firm or organization will hold its books and records or execute, trade, custody, clear or settle on behalf of the applicant.[157] In addition, Form SBSE requires that the applicant indicate whether it intends to hold or maintain any funds or securities to collateralize counterparty transactions.[158] Form SBSE also elicits information regarding whether the applicant intends to compute capital or margin, or price customer or proprietary positions, using mathematical models and whether the applicant is subject to regulation by a prudential regulator.[159] The applicant also must provide information regarding whether it intends to work with the Commission and its primary regulator to have the Commission determine whether the requirements of its primary regulator's regulatory system are comparable to the Commission's or avail itself of a previously granted substituted compliance determination.[160] The applicant also must provide information regarding the identity of persons who directly or indirectly control, are controlled by, or are under common control with the applicant and whether those persons are in the securities, investment advisory, or banking business.[161] Finally, Form SBSE requires that the applicant provide information regarding certain criminal, regulatory, civil judicial, and financial actions taken against the applicant and its control affiliates.[162] Form SBSE must be signed by the applicant.

Form SBSE also contains Schedules A, B, C, D, and F. Schedules A and B to Form SBSE are used to elicit more specific information on the applicant's direct and indirect owners. Schedule D to Form SBSE furnishes space for the applicant to provide additional information regarding its responses to certain questions in the Form.[163] Schedule F to Form SBSE provides nonresident applicants with a standard manner to provide the required certification regarding access, and also elicits information regarding the applicant's agent for service of process and the foreign regulators with which the applicant may be registered, as required by Rule 15Fb2–4. As described more fully above in Section II.1. regarding Associated Persons, we also added new Schedule C to Form SBSE to elicit information regarding non-natural associated persons subject to statutory disqualification that the SBS Entity permits to effect or be involved in effecting security-based swaps on its behalf under the Rule 15Fb6–1 exclusion.[164]

The Commission intends to use the information disclosed by applicants in Form SBSE (including the Schedules and DRPs), along with the certifications in Form SBSE–C, to determine whether to grant registration or institute proceedings to determine whether to deny registration. In addition, this information will assist the Commission in its ongoing oversight of an SBS Entity, for example by assisting representatives of the Commission in the preparation for examination of an SBS Entity, or more broadly to monitor risks specific to a firm or to the market more generally or to assess trends across firms.

own internal controls. Similarly, if a disciplinary proceeding against an affiliated entity under common control highlights supervisory issues, it could indicate that the organization more generally—including the applicant—may need to strengthen the supervisory structure.

[150] The definition reads, ''For purposes of Form SBSE, the term ''unique identification code'' or ''UIC'' means a unique identification code assigned to a person by an internationally recognized standards-setting system that is recognized by the Commission [pursuant to Rule 903(a) of Regulation SBSR (17 CFR 242.903(a))].'' In the SBSR Adopting Release, the Commission recognized the Global LEI System as meeting the criteria specified in Rule 903. We also made this change to Forms SBSE–A and SBSE–BD.

[151] *Regulation SBSR—Reporting and Dissemination of Security-Based Swap Information,* Exchange Act Release No. 74244, (Feb. 11, 2015), 80 FR 14564 (Mar. 19, 2015) (the ''Regulation SBSR Adopting Release''). In particular, *see* Rule 901(qq) and Rule 903(a).

[152] The addition of the citations to 18 U.S.C. 1001 and 15 U.S.C. 78ff(a) are designed to clarify which federal criminal statute would be violated. We made the same modification to all of the Forms as adopted.

[153] Specifically, Form SBSE requires the following: The applicant's name, address, tax identification number, phone number, other names the business might be known as, a mailing address if it differs from the main address, the firm's Web site address, and the identity and contact information for the SBS Entity's contact person and CCO. *See* Form SBSE, Item 1. In addition, Form SBSE requires an applicant to provide its location and date of origin, its type of organization (*e.g.,* corporation, partnership, limited liability company), the month of its fiscal year end, and whether it is a U.S. branch of a nonresident entity. *See* Form SBSE, Items 6 and 8.

[154] *See* Form SBSE, Items 2 and 9 and Schedule D.

[155] *See* Form SBSE, Item 7.

[156] *See* Form SBSE, Items 15, 16, and 17, and Schedules D and F.

[157] *See* Form SBSE, Item 11 and Schedule D.

[158] *See* Form SBSE, Item 10.

[159] *See* Form SBSE, Items 4 and 5.

[160] *See* Form SBSE, Item 3.

[161] *See* Form SBSE, Items 12 and 13, and Schedules A, B, and D.

[162] *See* Form SBSE, Item 14. For each ''Yes'' answer to one of the sub-parts of Item 14, the applicant must also file a corresponding disclosure reporting page (or ''DRP'')) to provide additional information.

[163] *See* Items 1.C.2, 9, 11, 12, 13, 15, and 16 of Form SBSE.

[164] Schedule C was also added to Forms SBSE–A and SBSE–BD.

2. Form SBSE–A

The Commission proposed Form SBSE–A to allow applicants that are not registered with the Commission as broker-dealers, but that are registered or registering with the CFTC as either a swap dealer or major swap participant, to use a shorter registration form to file their application for registration with the Commission.[165] Form SBSE–A was designed to make it easier for dual applicants to file with both agencies.[166] An applicant filing with the Commission on Form SBSE–A would also need to provide the Commission with a copy of the form it files with NFA to register as a swap dealer or major swap participant.[167] Form SBSE–A was designed to provide the Commission with data generally not included on the forms the applicant must file with the CFTC that the Commission will need to adequately review an application for registration.[168] As discussed in the Registration Proposing Release, while some information elicited via Form SBSE–A also may be elicited by the CFTC's form (*e.g.,* the applicant's name, address, and phone number), the Commission stated that it is necessary for the Commission to receive this information directly to allow the Commission to match the Form SBSE–A with the CFTC Form and to coordinate the information elicited through Form SBSE–A with other information the Commission may have on the applicant.[169] The Commission further stated that it believed that allowing these applicants to use Form SBSE–A, rather than Form SBSE, should reduce the costs and burdens associated with filing distinctly different forms to register with both the Commission and CFTC.[170]

The Commission re-proposed Form SBSE–A in the Cross-Border Proposing Release to make changes similar to those made to Form SBSE—to add the same instruction and to add three questions to Form SBSE, and to modify Schedule F in the same manner.[171] As discussed above in Section II.G.2, the new instruction was designed to clarify that if an application is not filed properly or completely, it may be delayed or rejected. Two of the new questions were designed to elicit information with respect to substituted compliance. The third requests information on whether the applicant is registered with or subject to the jurisdiction of a foreign financial regulatory authority, which would provide the Commission with information regarding other regulatory schemes that may be applicable to an applicant. Finally, the re-proposal modified Schedule F to provide applicants with additional space to provide information on foreign regulators with which they may be registered or that otherwise have jurisdiction over them.

The Commission requested comment on all aspects of Form SBSE–A in the Registration Proposing Release and the Cross-Border Proposing Release. While the Commission received no comments on Form SBSE–A, we did receive one comment on Form SBSE that could also be applicable to Form SBSE–A.[172] Specifically, the commenter contended that several of the required disclosures on proposed Form SBSE, including the disclosure of disciplinary matters affecting control affiliates, appear to impose significant burdens on registrants.[173] As discussed in more detail in Section II.G.1 above, the Commission believes that the information proposed to be disclosed on these Forms, including the disclosure of disciplinary matters affecting control affiliates, is necessary and appropriate for it to be able to effectively carry out its responsibilities with respect to registration and on-going oversight of SBS Entities.

The Commission is adopting Form SBSE–A, substantially as re-proposed, with the same modifications made to the Form SBSE.[174] We also added text to clarify that the Form 7–R the applicant provides must be legible.

Thus, as adopted, Form SBSE–A requires an applicant to provide certain general corporate and contact information.[175] In addition, Form SBSE–A elicits information as to whether the applicant is succeeding to the business of a currently registered SBS Entity.[176] Form SBSE–A also requires an applicant to indicate whether it is a U.S. branch of a nonresident entity.[177] Further, the applicant must identify whether it is applying to register as an SBS Dealer or Major SBS Participant, and briefly describe its business.[178] The applicant also must provide information regarding other regulators with which it may already be registered, including foreign regulators, and whether it engages in any other non-securities, financial services industry-related business.[179] The Form also requires that the applicant provide information as to whether any other person, firm or organization will hold its books and records or execute, trade, custody, clear or settle on behalf of the applicant.[180] Form SBSE–A also elicits information regarding whether the applicant intends to compute capital or margin, or price customer or proprietary positions, using mathematical models, and whether it intends to hold or maintain any funds or securities to collateralize counterparty transactions.[181] In addition, the applicant must provide information regarding the identity of persons who directly or indirectly control, are controlled by, or are under common control with the applicant and whether those persons are in the securities, investment advisory, or banking business, as well as information on the applicant's principals.[182] The applicant also must provide information regarding whether it intends to work with the Commission and its primary regulator to have the Commission determine whether the requirements of its primary regulator's regulatory system are comparable to the Commission's or avail itself of a previously granted

[165] *See* Registration Proposing Release, at 65804.

[166] *Id.*

[167] In the CFTC Final Registration Rules, the CFTC amended Rule 3.10(a) to require that swap dealers and major swap participants register by filing Form 7–R with the NFA. Swap dealers and major swap participant applicants must include with their Form 7–R any necessary Forms 8–R. *See Registration of Swap Dealers and Major Swap Participants,* 77 FR 2613 (Jan. 19, 2012). *See also supra,* footnote 7.

[168] *See* Registration Proposing Release, at 65804. We believe the information elicited by Forms SBSE–A, along with information included on the Form 7–R the applicant is required to provide, will provide us with substantially the same information as what is elicited by Form SBSE.

[169] *Id.*

[170] *Id.*

[171] Cross-Border Proposing Release, at 31027–28 and 31224–77.

[172] *See* SIFMA Letter at 4.

[173] *Id.*

[174] *See supra,* footnotes 150 (regarding UICs), 152 (regarding material misstatements and omissions), and 164 (regarding Schedule C).

[175] Specifically, Form SBSE requires the following: The applicant's name, address, tax identification number, phone number, other names the business might be known as, a mailing address if it differs from the main address, the firm's Web site address, and the identity and contact information for the SBS Entity's contact person and CCO. *See* Form SBSE–A, Item 1.

[176] *See* Form SBSE–A, Item 16.

[177] *See* Form SBSE–A, Item 6.

[178] *See* Form SBSE–A, Items 2 and 7.

[179] *See* Form SBSE–A, Items 5, 8, 9, 10, 11 and 17, and Schedule F.

[180] *See* Form SBSE–A, Item 13 and Schedule B.

[181] *See* Form SBSE–A, Items 4 and 12.

[182] *See* Form SBSE–A, Items 14 and 15, and Schedule B, and Items 18 and 19 and Schedules A and B. Schedule A identifies all principals who are individuals (*i.e.,* natural persons). Item 19 requests that the applicant identify, on Section IV of Schedule B, all principals who are not individuals. As the CFTC does not require principals that are not natural persons provide information on past regulatory actions, Schedule B indicates that the applicant must complete Schedule D of the Form SBSE–A and the relevant DRP pages for all persons identified in Section IV. This will assure that the Commission has similar information to consider when reviewing Forms SBSE–A as is available when they review Forms SBSE and SBSE–BD.

substituted compliance determination.[183] Form SBSE–A must be signed by the applicant.

Form SBSE–A also contains Schedules A, B, C, D, and F. Schedules A, B, and D differ slightly from those attached to Form SBSE. Schedule A to Form SBSE–A furnishes space for an applicant to list all of its principals that are individuals. Schedule B to Form SBSE–A furnishes space for the applicant to provide additional information regarding its responses to certain questions in the Form. Schedule D to Form SBSE–A, which applicants must complete for each principal identified in Section IV of Schedule B, requires that the applicant provide information regarding certain criminal, regulatory, civil judicial, and financial actions taken against each identified principal that is not an individual/natural person.[184] As with Form SBSE, Schedule C elicits information regarding non-natural associated persons subject to statutory disqualification that the SBS Entity permits to effect or be involved in effecting security-based swaps on its behalf under the Rule 15Fb6–1 exclusion, and Schedule F provides nonresident applicants with a place to provide the required certification regarding access, and elicits information regarding the applicant's agent for service of process and the foreign regulators with which the applicant may be registered, as required by Rule 15Fb2–4.

The Commission intends to use the information disclosed by applicants in Form SBSE–A (including the Schedules and DRPs), together with the information disclosed on CFTC Form 7–R and the certifications in Form SBSE–C, to determine whether to grant registration or institute proceedings to determine whether to deny registration. In addition, this information will assist the Commission in its ongoing oversight of an SBS Entity, for example by assisting representatives of the Commission in the preparation for examination of an SBS Entity, or more broadly to monitor risks specific to a firm or to the market more generally or to assess trends across firms.

3. Form SBSE–BD

Similar to the Form SBSE–A, the Commission proposed that applicants also registered or registering with the Commission as broker-dealers file their application for registration on an alternative to Form SBSE, or Form SBSE–BD.[185] Form SBSE–BD was based on Form BD, but is designed to provide the Commission with data not included on the Form BD (to which the Commission already has access).[186] The Commission stated its belief that requiring that these applicants use Form SBSE–BD should reduce the costs and burdens on applicants that are already registered or registering with the Commission as broker-dealers.[187]

The Commission re-proposed Form SBSE–BD in the Cross-Border Proposing Release to add the same instructions as were proposed to be added to Forms SBSE and SBSE–A, to add the same question proposed to be added to Forms SBSE and SBSE–A that requests information on whether the applicant is registered with or subject to the jurisdiction of a foreign financial regulatory authority, and to modify Schedule F to provide applicants with additional space to provide information on foreign regulators with which they may be registered or that otherwise have jurisdiction over them.[188] We did not propose to add the other two questions relating to substituted compliance because the Commission proposed that it would not grant any substituted compliance relief for a registered broker-dealer.[189]

The Commission requested comment on all aspects of Form SBSE–BD in the Registration Proposing Release and in the Cross-Border Proposing Release. The Commission received one comment on proposed Form SBSE–BD.[190] This commenter highlighted the fact that the forms, as proposed and re-proposed, fail to recognize that a registered OTC derivatives dealer may also apply for registration as an SBS Entity.[191] As OTC derivatives dealers must file Form BD with the Commission to register as an OTC derivatives dealer,[192] we believe it is appropriate to permit these entities to file Form SBSE–BD, rather than Form SBSE. We have added new Item 5 to Form SBSE–BD to ask whether an applicant is already registered with the Commission as an OTC derivatives dealer so that the Commission can be made aware of, and consider, this information when making a determination regarding whether to grant registration.

The Commission is adopting Form SBSE–BD, substantially as re-proposed, with three modifications. First, as highlighted above, we added new Item 5 to Form SBSE–BD to ask whether an applicant is already registered with the Commission as an OTC derivatives dealer to address an issue raised by a commenter. In addition, we made the same modifications made to the Form SBSE.[193] Thus, as adopted, Form SBSE–BD requires an applicant to provide certain general corporate and contact information.[194] Further, the applicant must identify whether it is applying to register as an SBS Dealer or Major SBS Participant, and briefly describe its business.[195] Further, the applicant must provide information regarding whether it is registered, or registering, with the CFTC as a swap dealer or major swap participant, and whether it is registered with a foreign financial regulatory authority.[196] The applicant also must provide information regarding whether it is subject to regulation by a prudential regulator (as defined in 3(a)(39) of the CEA).[197] Form SBSE–BD must be signed by the applicant. Form SBSE–BD also contains the same Schedules C and F as are included with Forms SBSE and SBSE–A, and are described above in Section II.G.1.

The Commission intends to use the information disclosed by applicants in Form SBSE–BD, together with the information disclosed in Form BD and the certifications in Form SBSE–C, to determine whether to grant registration or institute proceedings to determine whether to deny registration. In addition, this information will assist the Commission in its ongoing oversight of an SBS Entity, for example by assisting representatives of the Commission in the preparation for examination of an SBS Entity, or more broadly to monitor risks specific to a firm or to the market more generally or to assess trends across firms.

[183] *See* Form SBSE–A, Item 3.

[184] *See* Form SBSE–A, Schedule D. For each ''Yes'' answer to one of the questions in Schedule D, the applicant must also file a corresponding DRP to provide additional information.

[185] Registration Proposing Release, at 65805.

[186] *Id.* The information elicited by Forms SBSE–BD, along with information included on the applicant's Form BD, will provide us with substantially the same information as what is elicited by Form SBSE.

[187] *Id.*

[188] Cross-Border Proposing Release, at 31027–28.

[189] *Id.* at 31028 n.587.

[190] *See* Nomura Letter.

[191] This commenter states, ''NGFP suggests that the Commission contemplate dually-registered OTC DD/SBSD entities by making conforming changes to the registration form to reflect a registrant's status as an OTC DD (as opposed to only considering a full purpose broker-dealer/SBSD).'' *See* Nomura Letter, at 2.

[192] *See* Rule 15b1–1(a).

[193] *See supra,* footnotes 152 (regarding UICs), 152 (regarding material misstatements and omissions), and 164 (regarding Schedule C).

[194] Specifically, Form SBSE requires the following: the applicant's name, central registration depository number, the firm's Web site address, and the identity and contact information for the SBS Entity's contact person and CCO. *See* Form SBSE–BD, Item 1.

[195] *See* Form SBSE–BD, Items 2 and 6.

[196] *See* Form SBSE–BD, Items 3 and 7, and Schedule F.

[197] *See* Form SBSE–BD, Item 4.

4. Form SBSE–C

The Commission proposed Form SBSE–C to provide SBS Entities with a standard format and process through which to file the Senior Officer Certification required pursuant to proposed Rule 15Fb2–1(b), and all SBS Entities would have been required to file Form SBSE–C to be considered for ongoing registration.[198] As proposed, Form SBSE–C would have included instructions both requiring electronic submission and explaining how the form should be filed electronically, and would have included the applicant's name, date, and SEC number, along with the signature, name and title of the senior officer signing the certification.[199]

We are adopting Form SBSE–C as proposed, but with modifications.[200] First, we amended the Form to reflect the changes to the Senior Officer Certification discussed above.[201] The certification now requires that a senior officer of the applicant certify that, after due inquiry, he or she has reasonably determined that the SBS Entity has developed and implemented written policies and procedures reasonably designed to prevent violation of the federal securities laws and the rules thereunder, and that he or she has documented the process by which he or she reached such determination.

We also have moved the CCO Certification Regarding Associated Persons, which previously was included in Schedule G to Forms SBSE, SBSE–A, and SBSE–BD, into Form SBSE–C.[202] Rule 15Fb2–3 as adopted requires that an SBS Entity amend its Form SBSD, SBSD–A, or SBSD–BD, as applicable, if it becomes inaccurate, and this includes the schedules. While other requirements impose an ongoing obligation on SBS Entities to collect information on associated persons to assure that they are not subject to statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission, the CCO Certification Regarding Associated Persons is a one-time certification to provide the Commission with information before making a determination as to whether to grant registration or institute proceedings to deny registration.[203] To clarify this, we are moving the CCO Certification Regarding Associated Persons from Schedule G into Form SBSE–C.

As the Senior Officer Certification provides us with an indication that the applicant has reviewed the applicable rules and has developed and implemented written policies and procedures reasonably designed to prevent violation of the federal securities laws and the rules thereunder, and the CCO Certification Regarding Associated Persons provides us with an indication that the applicant has reviewed information regarding its associated persons to assure that none is subject to statutory disqualification unless otherwise provided by Commission rule, regulation or order, the Commission will consider these certifications contained in Form SBSE–C, along with the information disclosed by applicants in Forms SBSE, SBSE–A, or SBSE–BD, as applicable (including the Schedules and DRPs), to determine whether it is appropriate to grant registration or institute proceedings to determine whether to deny registration.

5. Form SBSE–W

The Commission proposed Form SBSE–W to provide SBS Entities with a form through which they could withdraw from Commission registration.[204] The Form was based on Form BDW (the Form used by broker-dealers to withdraw from registration with the Commission), because the Commission has found Form BDW to be an effective vehicle for gathering information necessary for it and the SROs to determine whether it is appropriate to allow a registered broker-dealer to withdraw from registration.[205] As proposed, Form SBSE–W was modified from Form BDW to recognize differences between the broker-dealer and security-based swap businesses.[206]

The purpose of proposed Form SBSE–W was to provide registrants with a simple, consistent process to notify the Commission when they wish to withdraw from registration, and to provide the Commission with information to help it determine whether it is necessary or appropriate in the public interest for the protection of investors to permit a registered SBS Entity to withdraw from registration (and, if so, at what time and upon what terms and conditions).

The Commission received no comment on Form SBSE–W, and is adopting it substantially as proposed.[207] We revised General Instruction 3, which stated that a firm must file Form SBSE–W electronically, to specify that ''[t]he registrant must file Form SBSE–W through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE–W electronically to assure the timely acceptance and processing of those filings.''

Thus, as adopted, Form SBSE–W requires a registered SBS Entity to provide its name, address, tax identification number, phone number, other names the business might be known as, a mailing address if it differs from the main address, the firm's Web site address, and regulatory identification numbers assigned to it.[208] Further, the registered SBS Entity must identify whether it is withdrawing from registration as an SBS Dealer or Major SBS Participant.[209] Further, the registered SBS Entity must identify the date it ceased doing a security-based swap business, and provide information on the reason it is seeking to withdraw from SEC registration.[210] The registered SBS Entity also must provide information regarding whether it holds any segregated counterparty collateral, and if it is the subject of, or named in, any investment-related investigations, customer-initiated complaints, or private civil litigations.[211] Finally, Form SBSE–W requests information on the location where the entity's books and records will be located, and who will have custody of those records (so the Commission will know who to contact, after the entity withdraws, to gain access to those records).[212] Form SBSE–W specifies that a registered SBS Entity must update any incomplete or inaccurate information contained on Form SBSE, Form SBSE–A or Form SBSE–BD, as appropriate, prior to filing its notice of withdrawal on Form SBSE–W. In addition, Form SBSE–W must be signed by the applicant.

The Commission intends to use the information collected by Form SBSE–W to help it determine whether it is necessary or appropriate in the public interest for the protection of investors to permit a registered SBS Entity to withdraw from registration (and, if so, at

[198] *See* Registration Proposing Release, at 65805.

[199] *Id.*

[200] We also made a technical change to add the same text included in the other Forms to inform applicants that intentional misstatements or omissions of fact when filing information with the Commission may constitute a federal criminal violation under 18 U.S.C. 1001 and 15 U.S.C. 78ff(a). *See supra,* footnote 152.

[201] *See supra,* Section II.A.1.ii.

[202] While this certification may only need to be signed once, the prohibition in Exchange Act Section 15F(b)(6) is ongoing.

[203] 15 U.S.C. 78o–10(b)(6).

[204] Registration Proposing Release, at 65806.

[205] *Id.*

[206] *Id.*

[207] We made a change also made in Form SBSE and discussed above. *See supra,* footnote 152.

[208] *See* Form SBSE–W, Item 1.

[209] *See* Form SBSE–W, Item 2.

[210] *See* Form SBSE–W, Items 3 and 4.

[211] *See* Form SBSE–W, Items 5 and 6.

[212] *See* Form SBSE–W, Item 7.

what time and upon what terms and conditions, if any).

III. Explanation of Dates

A. Effective Date

These final rules will be effective 60 days following publication in the **Federal Register**.

B. Registration Compliance Date

One commenter stated that it believed it to be ''critical that, before registration is required, the Commission finalize (i) the rules defining 'security-based swap,' 'security-based swap dealer' and 'major security-based swap participant;' (ii) the rules imposing capital and margin requirements on SBSDs and MSBSPs; (iii) its position on inter-affiliate security-based swaps; and (iv) its position on the extraterritorial application of Title VII,'' because ''[u]ntil that time, market participants will not be able to fully analyze the critical entity structuring issues that allow them to determine which entities to register and prepare for Title VII compliance.'' [213] Other commenters, both to the Registration Proposing Release and other Commission requests for comment, expressed similar sentiments.[214]

With respect to the particular issues identified by one of the commenters,[215] the Commission has adopted rules governing the application of the ''security-based swap dealer'' and ''major security-based swap participant'' definitions to cross-border security-based swap activities,[216] as well as the treatment of inter-affiliate swaps for purposes of performing the SBS Dealer *de minimis* and Major SBS Participant position threshold calculation.[217] The Commission has not yet finalized other proposed rules applicable to SBS Entities.[218]

We recognize that firms may need time to review the rules we adopt for SBS Entities before they can make informed decisions relating to business structure, including whether they will continue to conduct a security-based swap business in the U.S., and to determine which of their associated persons may be subject to the statutory prohibition provision before they register. For that reason, we are establishing a compliance date for the final rules adopted in this release as the later of: six months after the date of publication in the **Federal Register** of a final rule release adopting rules establishing capital, margin and segregation requirements for SBS Entities; the compliance date of final rules establishing recordkeeping and reporting requirements for SBS Entities; the compliance date of final rules establishing business conduct requirements under Exchange Act Sections 15F(h) and 15F(k); or the compliance date for final rules establishing a process for a registered SBS Entity to make an application to the Commission to permit an associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf (such date referred to as the ''Registration Compliance Date'').

C. SBS Entity Counting Date

The general calculations to determine whether a person may fit the definition of the term SBS Dealer and Major SBS Participant have been in place since 2012. We believe, however, that it is appropriate to provide firms with the ability to review the final rules that will be applicable to SBS Entities so that they can decide whether to continue to engage in the type of business that would require registration, modify their business practices, or cease those activities. In the Intermediary Definitions Adopting Release, the Commission explained that persons determined to be SBS Dealers or Major SBS Participants under the regulations adopted therein need not register as such until the dates provided for in the Commission's final rules regarding SBS Entity registration requirements, ''and will not be subject to the requirements applicable to those dealers and major participants until the dates provided in the applicable final rules.'' [219] The Commission is now providing the dates on which SBS Entities will become subject to the requirements applicable to them based on their status as either an SBS Dealer or Major SBS Participant. Specifically, the Commission now believes that, for purposes of complying with the registration and other requirements, persons are not required to begin calculating whether their activities meet or exceed the thresholds established in Exchange Act Rules 3a71–2, 3a67–3, and 3a67–5 until two months prior to the Registration Compliance Date (''SBS Entity Counting Date''). This means that with respect to compliance with the registration and other requirements applicable to SBS Dealers and Major SBS Participants, only security-based swap positions connected with the dealing activity in which the person—or any other entity controlling, controlled by or under common control with the person—engages on or after the SBS Entity Counting Date will ''count'' toward determining that person's status as a ''security-based swap dealer'' and only positions held on or after the SBS Counting Date will count towards determining that person's status as a ''major security-based swap participant.''

To the extent that a person's status as an SBS Entity is based on a test that requires that person to look-back over a period of time, no transactions entered into prior to the SBS Entity Counting Date will ''count'' for purposes of the relevant test. For example, Exchange

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[213] *See* SIFMA Letter, at 3. In response to the Commission's Statement of General Policy on Sequencing of Dodd-Frank Act Compliance Dates (*Statement of General Policy on Sequencing of the Compliance Dates for Final Rules Applicable to Security-Based Swaps Adopted Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act* (77 FR 35625, Jun. 14, 2012), SIFMA reiterated this position. *See* 8/13/2012 SIFMA Letter at 6, and 1/13/15 SIFMA Letter, at 3–4.

[214] *See, e.g.,* IIB Letter, at 28, which states, ''final cross-border rules should be available well in advance of the deadline for SBSD and MSBSP registration, as these registrants will be subject to a number of complex new rules.'' *See also* comment letter from a group of entities (including American Bankers Association, ABA Securities Association, The Clearing House Association L.L.C., Financial Services Forum, Financial Services Roundtable, Futures Industry Association, Institute of International Bankers, International Swaps and Derivatives Association, Investment Company Institute, Managed Funds Association, and Securities Industry and Financial Markets Association), generally regarding ''Comment Periods and Implementation of New Derivatives Regulations'' (and not associated with any particular release), dated Dec. 6, 2010, which states (on page 2) ''We also are concerned about a process that provides for provisional registration of entities prior to adoption of final rules defining the various categories of registrants and establishing their respective obligations. A more logical sequence would first adopt definitions for the different regulated entities, then requirements for such entities, and finally registration of such entities.''

[215] *See* SIFMA Letter, at 3; 8/13/2012 SIFMA Letter, at 6; and 1/13/15 SIFMA Letter, at 3–4.

[216] *See* Exchange Act rule 3a71–3 (addressing application of ''security-based swap dealer'' definition to cross-border security-based swap activities); Exchange Act rule 3a67–10 (addressing application of ''major security-based swap participant'' definition to cross-border security-based swap positions). The Commission proposed certain amendments to these rules in April 2015 to address security-based swap transactions involving two non-U.S. persons that are arranged, negotiated, or executed by personnel of a dealer in the United States, but as noted in that release, we do not expect those amendments to require additional entities to register as security-based swap dealers. *See* Cross-Border Activity Proposing Release, at footnote 384 and accompanying text.

[217] *See* Exchange Act rule 3a71–1(d) (excluding from the security-based swap dealer *de minimis* threshold calculations security-based swaps with a person's majority-owned affiliates); Exchange Act rule 3a67–3(e) (excluding from the major security-based swap participant threshold calculations security-based swap positions with counterparties that are a person's majority-owned affiliates).

[218] *See* the Capital and Margin Proposing Release, the Books and Records Proposing Release, the Trade Acknowledgment Proposing Release, and the Business Conduct Standards Proposing Release.

[219] *See* Cross-Border Adopting Release, at 47368.

Act Rule 3a71–2, which implements the statutory exception from the ''security-based swap dealer'' definition for a person who engages in a *de minimis* quantity of security-based swap dealing, is based on positions entered into by a person (and, subject to certain exceptions, any other entity controlling, controlled by or under common control with that person) over the preceding 12 months. While the Commission recognizes that, for purposes of this example, there would not be a full 12 months of positions to consider until the date that is one year from the date of the SBS Entity Counting Date, we do, however, expect that some larger SBS Dealers will cross a *de minimis* threshold within a shorter period of time. In no event, however, would a person be deemed to be an SBS Dealer or Major SBS Participant at any point prior to the SBS Entity Counting Date.

These timing requirements should provide firms with adequate time to review the final rules applicable to SBS Entities and make appropriate business decisions before triggering the requirement to register. This compliance timeline is designed to eliminate situations where persons engaged in security-based swap business trigger the registration requirement before final substantive rules applicable to SBS Entities are published, decide to cease the business activities that would require registration, but still must register because of the twelve month look-back required by the calculations in the definitions of the terms SBS Dealer and Major SBS Participant.[220]

IV. Paperwork Reduction Act

Certain provisions of Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, and SBSE–W contain ''collection of information requirements'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA''). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. The Commission has submitted the information to the Office of Management and Budget (''OMB'') for review in accordance with 44 U.S.C. 3507 and 5 CFR 1320.11. The title of this collection is ''Registration Rules for Security-Based Swap Entities.'' The collection of information was assigned OMB Control No. 3235–0696.

In the Registration Proposing Release, the Commission solicited comments on the collection of information burdens associated with proposed Rules 15Fb1–1 through 15Fb6–1 and Forms SBSE, SBSE–A, SBSE–BD, and SBSE–W.[221] In particular, the Commission asked whether commenters agree with the Commission's estimate of the number of respondents and the burden associated with compliance with these rules and forms.[222] As discussed more fully above in Section I.C, the Commission originally received four comment letters in response to the proposed rules and forms.[223] The Commission later received 31 additional comment letters in response to the Release Reopening the Comment Period, of which six specifically commented on the proposed registration process and forms.[224] The Commission also received 38 comment letters in response to the Cross-Border Proposing Release.[225] Of those, three commented on the proposed registration process and forms.[226] One of the eleven commenters that commented on issues relating to the registration process and forms raised issues relating directly or indirectly to the PRA discussion.[227] This commenter raised issue with the Commission's estimate as to the number of associated persons an SBS Entity may employ, and is addressed in the discussion of Rules 15Fb6–1 and 15Fb6–2 below.

A. Summary of Collection of Information

As required by Exchange Act Section 15F, the Commission is adopting Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C and SBSE–W to facilitate registration and withdrawal of SBS Entities.

Pursuant to paragraph (a) of Rule 15Fb2–1, each SBS Entity must file an application with the Commission to register. Forms SBSE, SBSE–A, and SBSE–BD and the schedules thereto require SBS Entities to provide specified information. Form SBSE is for SBS Entities not registered or registering with the Commission as broker-dealers, nor registered or registering with the CFTC as swap dealers or major swap participants. Form SBSE–A is for SBS Entities not registered or registering with the Commission as broker-dealers but registered or registering with the CFTC as swap dealers or major swap participants. Form SBSE–BD is for SBS Entities that are registered or registering with the Commission as brokers or dealers. Schedules A through E of these Forms and the DRPs require SBS Entities to provide certain, specified information, as applicable. The Commission took efforts to minimize burdens and costs associated with the application process by adopting alternate registration forms for SBS Entities that are registered or registering either with the CFTC as swap dealers or major swap participants or with the Commission as broker-dealers. The alternative forms (Forms SBSE–A and SBSE–BD) are shorter and should require that an SBS Entity expend less effort to research, complete, and file than Form SBSE. An SBS Entity would only need to research, complete, and file one of the Forms.

Paragraph (a) also requires that each SBS Entity must file certifications on Form SBSE–C. This Form contains the Senior Officer Certification required by Rule 15Fb2–1(b) and the CCO Certification Regarding Associated Persons required by Rule 15Fb6–2(a).

Rule 15Fb2–3 requires that SBS Entities promptly amend their Forms SBSE, SBSE–A, and SBSE–BD with the Commission if they find that the information contained therein has become inaccurate. SBS Entities will only need to amend that aspect of the Form that has become inaccurate.

Rule 15Fb6–2(a) states that no SBS Entity may act as an SBS Entity unless it has certified, on Form SBSE–C, that it neither knows, nor in the exercise of reasonable care should have known, that any person associated with it who effects or is involved in effecting security-based swaps on its behalf is subject to a statutory disqualification. Rule 15Fb6–2(b) requires that, to support this certification, the SBS Entity's CCO (or his or her designee) must review and sign the questionnaire or application for employment the SBS Entity is required to obtain pursuant to the relevant recordkeeping rule applicable to the SBS Entity, executed by each associated person who is a natural person and who effects or is involved in effecting security-based swaps on the SBS Entity's behalf. Rule 15Fb6–2(b) also indicates that the questionnaire or application shall serve as the basis for a background check of the associated person to verify that the associated person is not subject to statutory disqualification. SBS Entities would only need to fulfill this obligation for associated persons that effect or are involved in effecting security-based swaps on behalf of the SBS Entity.

Rule 15Fb2–4 requires each nonresident SBS Entity to obtain and maintain a written consent and power of attorney appointing an agent in the

[220] *See generally,* 17 CFR 3a67–1 through 3a67–9 and 17 CFR 3a71–1 through 3a71–2.

[221] *See* Registration Proposing Release, at 65812.

[222] *Id.*

[223] *See supra,* footnote 8.

[224] *See supra,* footnote 10.

[225] *See supra,* footnote 11.

[226] *See supra,* footnote 12.

[227] *See* SIFMA Letter at 7–8.

United States for service of process. This consent and power of attorney must be signed by the nonresident SBS Entity and the named agent for service of process. In addition, Rule 15Fb2–4 requires that each nonresident SBS Entity obtain an opinion of counsel stating that it can, as a matter of law, provide the Commission with access to records and the ability to conduct onsite examinations. Such an opinion of counsel must be attached to the SBS Entity's filed application (Form SBSE, SBSE–A, or SBSE–BD, as appropriate) as a required document. An SBS Entity must also re-certify on Schedule F of such Forms within 90-days after any changes in the legal or regulatory framework that would impact the SBS Entity's ability to provide, or manner in which it provides, the Commission with prompt access to its books and records or that impacts the Commission's ability to inspect and examine the SBS Entity. The SBS Entity's re-certification must be accompanied by a revised opinion of counsel regarding the new regulatory regime. These entities also must file an additional schedule (Schedule F) with their application form to identify the firm's U.S. agent for service of process and to certify that the firm can, as a matter of law, and will provide the Commission with access to its books and records and submit to onsite inspection and examination by the Commission. Further, such entities must communicate promptly to the Commission through an amendment to Schedule F any change of agent for service of process or any change of name or address of an agent for service of process. In addition, each nonresident SBS Entity must maintain its written agreement appointing a U.S. agent for service of process until at least three years after the agreement is terminated.

Pursuant to Rule 15Fb1–1, each signatory to an electronic filing must, when the electronic filing is made, manually sign a signature page or other document adopting his or her signature that appears in typed form within the electronic filing. The SBS Entity must retain the manually-signed page until at least three years after the form or certification has been replaced or is no longer effective.

Rule 15Fb3–2 requires that an SBS Entity seeking to withdraw from Commission registration file Form SBSE–W, and Form SBSE–W requires SBS Entities to provide specified information to withdraw from registration.

Rule 15Fb2–5 provides, in paragraph (a), that an SBS Entity succeeding to and continuing the business of a registered SBS Entity shall be deemed to remain effective under the registration of the predecessor as long as the successor files an application, within 30 days of the succession, in accordance with Rule 15Fb2–1 and the retiring entity files a notice of withdrawal on Form SBSE–W. Paragraph (b) of 15Fb2–5 provides that for certain types of changes that are more ministerial in nature, a person succeeding to and continuing the business of a registered SBS Entity shall be deemed to remain effective under the registration of the predecessor as long as the successor, within 30 days, amends its application on the appropriate Form. As this rule simply allows the successor to continue the operations of the registered SBS Entity, and the form filing and amendment requirements are contained in Rule 15Fb2–1, 15Fb2–3, and 15Fb3–2, any paperwork burdens are included under those rules.

Rule 15Fb2–6 provides that the registration of an SBS Entity shall be deemed to be the registration of a fiduciary, appointed or qualified by order, judgement or decree of a court of competent jurisdiction, as long as the fiduciary files Form SBSE, Form SBSE–A, or Form SBSE–BD, as appropriate. As this rule simply allows the successor to continue the operations of the registered SBS Entity, and the form filing and amendment requirements are contained in Rule 15Fb2–1, any paperwork burdens are included under that rule.

B. Proposed Use of Information

The Commission will use the information collected pursuant to Rules 15Fb1–1 through 15Fb6–2 and through Forms SBSE, SBSE–A, and SBSE–BD to determine whether applicants meet the standards for registration, and to fulfill its oversight responsibilities. The Commission will use the information collected pursuant to Rule 15Fb3–2 and Form SBSE–W to determine whether it is appropriate to allow an SBS Entity to withdraw from registration and to facilitate that withdrawal. Information collected pursuant to these rules and forms will be made publicly available.

C. Respondents

Rule 15Fb1–1 through 15Fb6–2 facilitate registration with the Commission of entities that fit the definition of ''security-based swap dealer'' or ''major security-based swap participant.'' [228] Forms SBSE, SBSE–A, and SBSE–BD, as applicable, are applications through which SBS Entities would register with the Commission.

In the Registration Proposing Release the Commission stated its belief that approximately fifty entities may fit within the definition of SBS Dealer and up to five entities may fit within the definition of Major SBS Participant.[229] Further, the Commission estimated that thirty-five of those registrants would also be engaged in the swaps business and would register with the CFTC as swap dealers or major swap participants and would be able to register using Form SBSE–A, sixteen of those registrants would already be registered as broker-dealers and could register using Form SBSE–BD,[230] and four of those registrants would not otherwise be registered with the CFTC or the Commission will seek to become an SBS Entity and would need to register using Form SBSE.[231]

We received no comments on these estimates, and continue to believe they are appropriate.

D. Total Initial and Annual Reporting and Recordkeeping Burdens

1. Burden Associated With Filing Application Forms

Rule 15Fb2–1 requires that each SBS Entity register with the Commission by filing either Form SBSE, SBSE–A or SBSE–BD. The Commission designed the application process to provide alternative forms for SBS Entities that are, or are registering as swap dealers, major swap participants, or broker-dealers to use to register (Forms SBSE–A and SBSE–BD). Each SBS Entity is required to complete and file one of these forms.

Form SBSE

While it is likely that the time necessary to complete these forms would vary depending on the nature and complexity of the entity's business, we estimated in the Registration Proposing Release that the average time necessary for an SBS Entity to research the questions, and complete and file a Form SBSE (including the Schedules [232] and DRPs) would be approximately one work week or forty hours.[233] In the Cross Border Proposing Release, we increased this hour burden estimate by two hours to account for the addition of

[228] *See supra,* footnotes 1 and 2.

[229] Registration Proposing Release, at 65808.

[230] Nomura commented that the proposed Forms did not recognize the possibility that OTC derivatives dealers might seek to register as SBS Entities. As described above in Section II.G.3., we added a question to Form SBSE–BD to allow OTC derivatives dealers to identify themselves when filing that form because they have already submitted Form BD.

[231] *Id.*

[232] Except Schedule F, which is dealt with separately below. As discussed in more detail above in Sections II.B. and II.G.1., Schedule G was moved into Form SBSE–C.

[233] Registration Proposing Release, at 65808.

certain questions to Form SBSE.[234] While we have added new Schedule C to Form SBSE, as applicants must have already identified statutorily disqualified persons in order to provide the certification on Form SBSE–C, we do not believe that listing statutorily disqualified entity associated persons on Schedule C will measurably increase the time it will take to complete Form SBSE. As discussed above, the Commission estimates that approximately four firms would need to register using Form SBSE. Consequently, the total burden associated with filing Forms SBSE would be approximately 168 hours.[235]

Form SBSE–A

We indicated our belief in the Registration Proposing Release that, as Form SBSE–A is shorter than the Form SBSE, it should take an SBS Entity approximately 80% of the time that it would take to research, complete, and file a Form SBSE (including the Schedules [236] and DRPs), or thirty two hours.[237] In the Cross Border Proposing Release, we increased this hour burden estimate by two hours to account for the addition of certain questions to Form SBSE.[238] As with Form SBSE, we do not believe that listing statutorily disqualified entity associated persons on Schedule C will measurably increase the time it will take to complete Form SBSE–A. As discussed above, the Commission estimates that approximately thirty-five firms would also be registered with the CFTC and therefore would need to register using Form SBSE–A. Consequently, the total burden associated with filing Forms SBSE–A would be approximately 1,190 hours.[239]

Form SBSE–BD

In the Registration Proposing Release we stated our belief that, as Form SBSE–BD is shorter than either Form SBSE or Form SBSE–A and broker-dealers who would be filing Form SBSE–BD are familiar with Commission terminology and forms, researching, completing, and filing a Form SBSE–BD should take an SBS Entity approximately 25% of the time that it would take to research, complete, and file a Form SBSE (including the Schedules [240]), or ten hours.[241] In the Cross Border Proposing Release, we increased this hour burden estimate by one half hour to account for the addition of one new question.[242] As with Form SBSE and Form SBSE–A, we do not believe that listing statutorily disqualified entity associated persons on Schedule C would measurably increase the time it will take to complete Form SBSE–BD. As discussed above, the Commission estimates that approximately sixteen SBS Entities would need to register using Form SBSE–BD. Consequently, the total burden associated with filing Forms SBSE–BD would be approximately 168 hours.[243]

Form SBSE–C

As indicated in Section II.G.4. above, we are adopting Form SBSE–C with some modifications. As discussed in Section II.A.1.ii., we have modified the text of the Senior Officer Certification to instead require that a senior officer certify that after due inquiry, he or she has reasonably determined that the applicant has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws, the rules thereunder and has documented the process by which he or she reached such determination.[244] As discussed in Sections II.B. and II.G.4. above, we have also moved the CCO Certification Regarding Associated Persons, which had been included as Schedule G to Forms SBSE, SBSE–A, and SBSE–BD, into Form SBSE–C.

The Commission has previously estimated that it would take a senior officer approximately twenty hours to review, document, and update compliance procedures,[245] which the staff believes would be analogous to reviewing an SBS Entity's written policies and procedures and or taking whatever other actions he or she deems necessary to gain comfort to sign the Senior Officer Certification. In the Registration Proposing Release, we stated our belief that the burden associated with having a senior officer sign a certification likely would be approximately five hours.[246] Consequently, the total burden associated with having a senior officer review an SBS Entity's written policies and procedures and or taking whatever other actions he or she deems necessary to gain comfort necessary to sign the Senior Officer Certification and to then sign the certification on Form SBSE–C would be approximately 1,375 hours for all entities.[247]

The Commission proposed, in the Business Conduct Standards Proposing Release, to require that each SBS Entity establish, maintain, enforce and promptly update written policies and procedures addressing the supervision of the types of security-based swap business in which the SBS Entity is engaged that are reasonably designed to achieve compliance with applicable securities laws and the rules and regulations thereunder.[248] That rulemaking accounted for the burden associated with establishing written procedures.

As discussed in more detail below in Section IV.D.3. regarding Associated Persons, the Commission estimated in the Registration Proposing Release that it would take a CCO approximately one hour to certify on Schedule G that no associated person that effects or is involved in effecting security-based swaps on behalf of the SBS Entity is subject to a statutory disqualification.[249] While we received no comments on this estimate of the time it would take for the CCO to certify, we did receive one comment alleging that our estimates as to the number of associated persons was too low and failed to include associated persons that were not natural persons. Our prior estimate was based on the assumption that the CCO would already have the knowledge necessary to sign the certification because he or she (or his or her designee) would have reviewed and signed each associated persons' employment applications or questionnaires and conducted background checks on those persons. To the extent this certification requires a CCO to also consider whether associated persons that are not natural persons are subject to statutory disqualification, and the CCO (or his or her designee) would not have already reviewed employment questionnaires or applications or conducted background checks on those

[234] Cross Border Proposing Release, at 31104. We received no comments on this estimate, and continue to believe it is appropriate.

[235] (42 hours × 4 SBS Entities) = 168 hours total.

[236] *See supra* footnote 232.

[237] Registration Proposing Release, at 65808–9.

[238] Cross Border Proposing Release, at 31104. We received no comments on this estimate, and continue to believe it is appropriate.

[239] (34 hours × 35 SBS Entities) = 1,190 hours total.

[240] *See supra* footnote 232

[241] Registration Proposing Release, at 65809.

[242] Cross Border Proposing Release, at 31104. We received no comments on this estimate, and continue to believe it is appropriate.

[243] (10½ hours × 16 SBS Entities) = 168 hours total.

[244] *See* Form SBSE–C.

[245] *See, e.g., Risk Management Controls for Brokers or Dealers With Market Access,* Exchange Act Release No. 63241 (Nov. 3, 2010), 75 FR 69792, at 69816 (Nov. 15, 2010).

[246] Registration Proposing Release, at 65809. We received no comments on this estimate, and continue to believe it is appropriate.

[247] (5 hours + 20 hours) × 55 SBS Entities = 1,375 hours total.

[248] *See supra,* footnote 30.

[249] Registration Proposing Release, at 65811.

persons, we modified our original estimate to accommodate such a review.

As discussed in more detail below in Section IV.D.3., we now estimate that each SBS Entity may have, on average 10 associated persons that are not natural persons effecting or involved in effecting security-based swaps on their behalf. Further, we believe it would likely take, on average, approximately five hours for a CCO to collect information from its legal or other internal departments or its holding company to determine whether each of its associated persons that is not a natural person is subject to statutory disqualification. Thus, we estimate that it would take a CCO approximately 50 hours to obtain sufficient information that none of its associated persons is subject to statutory disqualification to gain sufficient comfort that none of these associated persons that effect or are involved in effecting security-based swaps are subject to statutory disqualification to allow them to sign the certification. As a result of this change, the Commission staff now estimates that the total burden to all SBS Entities to complete the CCO Certification Regarding Associated Persons on Form SBSE–C would be approximately 2,805 hours.[250]

Consequently, the total burden associated with filing Form SBSE–C, which now includes both of these certification, would be approximately 4,180 hours.[251]

2. Burden Associated With Amending Application Forms

Rule 15Fb2–3 requires that SBS Entities amend their Forms SBSE, SBSE–A, and SBSE–BD, as applicable, if they find that the information contained therein has become inaccurate. While SBS Entities may need to update their Forms periodically, it likely will not cost a significant amount to make such changes because each firm will have already completed Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable, and will only need to amend that aspect of the Form that has become inaccurate. Based on the number of amendments the Commission receives annually on Form BD, the Commission estimates that each SBS Entity will file approximately three amendments annually.[252] We estimated, in the Registration Proposing Release, that while it is likely that the time necessary to file an amendment to Form SBSE, Form SBSE–A, or Form SBSE–BD, as applicable, may vary depending on the nature and complexity of the information to be amended, based on experience relative to Form BD, we believed it would take an SBS Entity, on average, approximately one hour to amend its application each time it files an amendment.[253] Consequently, the total burden associated with amending Forms SBSE, SBSE–A, and SBSE–BD, as applicable, would be approximately 165 hours.[254]

3. Burdens Relating to Associated Persons

As adopted, Rule 15Fb6–2 requires that each SBS Entity must have its CCO certify, on Form SBSE–C, that the SBS Entity has performed background checks on all of its associated persons who effect or are involved in effecting security-based swaps on its behalf, and neither knows, nor in the exercise of reasonable care should have known, that any associated person who effects or is involved in effecting security-based swaps on its behalf is subject to a statutory disqualification, unless otherwise specifically provided by rule, regulation or order. Rule 15Fb6–2, as adopted, also requires that, to support this certification, the SBS Entity's CCO (or his or her designee) review and sign the questionnaire or application obtained in compliance with the applicable recordkeeping rule, and use it as the basis for a background check of the associated person to verify that the associated person is not subject to statutory disqualification. Paragraph (b) of Rule 15Fb2–1 also states that the questionnaire or applications must serve as the basis for a background check of the associated person to verify that the person is not subject to statutory disqualification. SBS Entities only need to fulfill this obligation for associated persons that effect or are involved in effecting security-based swaps on behalf of the SBS Entity. In addition, as adopted, the certification required by Rule 15Fb6–1(a) is only required at the time of registration. As the requirement to review and sign employment questionnaires and applications is designed to support that certification, Rule 15Fb6–2(b) does not impose ongoing obligations. In the Registration Proposing Release, the Commission estimated (based on the staff's experience relative to the securities and OTC derivatives industries) that SBS Entities each have, on average, twenty-five associated persons that effect or are involved in effecting security-based swaps on behalf of the SBS Entity.

The Commission received a comment on our estimate of the number of associated persons each SBS Entity may have effect or be involved in effecting security based swaps on its behalf.[255] Specifically, this commenter stated that it believed ''the Commission significantly underestimates the burden the Proposal's associated person investigation requirement will impose on prospective'' SBS Entities, and that SBS Entities ''could have hundreds, if not thousands, of associated natural persons that will effect or will be involved in effecting security-based swaps'' and more if the definition of ''associated person'' is read to extend not just to natural persons but also to entities.[256]

As stated above in Section II.B, we are limiting the scope of the prohibition so that unless otherwise ordered by the Commission, when it files an application to register with the Commission as an SBS Dealer or Major SBS Participant, an SBS Entity may permit a person associated with it that is not a natural person and that is subject to statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, provided that the statutory disqualification(s), described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A)–(F)), occurred prior to the compliance date of this rule. In addition, we clarified in Rule 15Fb6–2(b) that an SBS Entity's CCO is only required to review and sign questionnaires and applications of natural persons, because those are the only types of persons that would generally submit such a questionnaire or application. Based on the fact that the statutory prohibition is limited to persons who effect or are involved in effecting security-based swaps on an SBS Entity's behalf (and not all associated persons), as well as staff experience and observations, we

[250] (10 associated persons that are not natural persons × 5 hours to gain comfort that the entity is not subject to statutory disqualification × 55 SBS Entities) + (1 hour for CCO to sign certification × 55 SBS Entities) = 2,805 hours.

[251] 1,375 hours + 2,805 hours = 4,180 hours.

[252] On March 1, 2015 there were 4,253 broker-dealers registered with the Commission (based on Form BD data). The Commission received 15,638, 15,491, 13,271, 12,902, and 14,330 amended Forms BD during the fiscal years ending 9/30/2010, 9/30/2011, 9/30/2012, 9/30/2013 and 9/30/2014, respectively. ((15,638 + 15,491 + 13,271 + 12,902 + 14,330)/5 years)/4,253 broker-dealers = 3.4 amendments per broker-dealer per year.

[253] Registration Proposing Release, at 65809. We received no comments on this estimate, and continue to believe it is appropriate.

[254] 1 hour × three per year × 55 SBS Entities = 165 hours. This burden estimate includes the burden associated with the requirement to amend Forms SBSE, SBSE–A, or SBSE–BD, as appropriate, before filing Form SBSE–W. *See infra,* Section IV.D.6.

[255] *See* SIFMA Letter at 7–8.

[256] *Id.*

estimate that each SBS Entity could have approximately ten affected associated persons that are entities.

With respect to associated persons who are natural persons, in light of this comment that we significantly underestimated the burden the Proposal's associated person investigation requirement will impose on prospective'' SBS Entities, and that SBS Entities ''could have hundreds, if not thousands, of associated natural persons that will effect or will be involved in effecting security-based swaps,'' the Commission has reviewed its estimates. While not exactly analogous in this situation to SBS Dealers,[257] we reviewed available data regarding the number of persons associated with broker-dealers. As of December 31, 2014 there were 447 clearing broker-dealers [258] which, on average, each employed 423 persons who were registered.[259] Consequently, we now estimate that each SBS Dealer will have 423 associated persons that are natural persons that effect or are involved in effecting security-based swaps on their behalf.[260] Since Major SBS Participant registration requirements are triggered by position thresholds (as opposed to activity and volume thresholds for dealer registration),[261] we anticipate that entities which may seek to register with the Commission as Major SBS Participants are more likely to resemble hedge funds and investment advisors. To estimate the number of natural persons associated with Major SBS Participants, we used regulatory filings by registered investment advisers on Form ADV. Based on this analysis, as of January 2, 2015 there were 11,506 registered investment advisers which each had on average 63 employees. Using this average as the basis, we thus estimate that each Major SBS Participant will have 63 associated persons that are natural persons that effect or are involved in effecting security-based swaps on their behalf.

The Registration Proposing Release estimated that it would take a CCO (or the CCO's designee) approximately one hour to review and sign a relevant employee's employment record to determine that associated persons who effect or are involved in effecting security-based swaps on their behalf are not subject to statutory disqualification.[262] If the SBS Entity has not already performed a background check of the employee, we estimate that it may take the CCO (or the CCO's designee) an additional hour to conduct whatever additional review may be necessary.[263] Consequently, the Commission estimates that the burden for each SBS Dealer that is registered or registering with the Commission or the CFTC would be 423,[264] and the burden for each other SBS Dealer would be 846.[265] We have no basis to determine whether Major SBS Participants would already be registered or registering with the Commission or the CFTC, but we assume that all five will be dually-registered. Thus, the burden for each Major SBS Participant would be approximately 63.[266] We therefore estimate that the total burden to all SBS Entities to have their CCOs (or designees) review and sign the employment application or questionnaire for each associated person who is a natural person and who effects or is involved in effecting security-based swaps on their behalf and/or conduct whatever review may be necessary to assure that each such associated person is not subject to statutory disqualification would be approximately 23,157 hours.[267]

The Commission believes that signing the required certification will not take a significant amount of time. In the Registration Proposing Release the Commission estimated that it would take a CCO approximately one hour to certify on Schedule G that no associated person that effects or is involved in effecting security-based swaps on behalf of the SBS Entity is subject to a statutory disqualification.[268] This was based on the assumption that the CCO (or his or her designee) had reviewed and signed the associated persons' employment applications or questionnaires and performed background checks on those persons. However, to the extent this certification requires a CCO to also consider whether associated persons that are not natural persons are subject to statutory disqualification, and the CCO (or his or her designee) would not have already reviewed employment questionnaires or applications or conducted background checks on those persons, the certification may take longer than our original estimate. Based on staff experience and observation, we believe that SBS Entities would most likely have affiliated entities as associated persons that are not natural persons. However, to the extent that an SBS Entity has a non-affiliated entity as an associated person that is not a natural person, it is likely they would have reviewed information on those

[257] Security-based swap dealers will be limited to sales of security-based swaps, whereas broker-dealers are generally engaged in the sale of a broader range of financial instruments. Thus, it is likely that fewer people would be needed to facilitate this business.

[258] This information was drawn from FOCUS Report filings submitted by broker-dealers as of December 31, 2014. While there are far more broker-dealers registered with the Commission, we believe clearing broker-dealers are more analogous to SBS Dealers. Many introducing broker-dealers are quite small, and focus their business on particular types of instruments (*e.g.,* mutual funds or limited partnership shares). Clearing broker-dealers extend margin, hold customer collateral, and engage in a range of activities that we believe SBS Entities would perform as part of their business. However, clearing broker-dealers also generally service a large number of customer accounts, which likely would differ from the security-based swap business. We believe that SBS Entities likely would effect transactions with a more limited number of investors and counterparties and, thus, would generally employ fewer associated persons.

[259] In estimating the number of associated persons that effect or are involved in effecting security-based swaps on behalf of SBS Dealers, we believe that it is more appropriate to use the number of registered persons of broker-dealers rather than the number of persons associated with a broker-dealer. In the brokerage business, persons who are engaged in the securities business of a broker-dealer must register, while associated persons of a broker-dealers include individuals performing a broader range of functions, including those that may do require registration. Exchange Act Section 15Fb(6) and Rule 15Fb6–2 capture only associated persons who effect or are involved in effecting security-based swaps on behalf of SBS Entities, not all associated persons of an SBS Entity. We believe that the type of activities captured by this category of associated persons is more akin to the types of activities performed by persons that engage in the securities business of a broker-dealer, and thus must register, than to associated persons of a broker-dealer in general.

[260] We recognize that SBS Entities will be limited to sales of security-based swaps, whereas broker-dealers are generally engaged in the sale of a broader range of financial instruments; thus less staff may be needed to facilitate this business.

[261] *See* Intermediary Definitions Adopting Release, at 30748.

[262] Registration Proposing Release, at 65810. We received no comments on this estimate, and continue to believe it is appropriate.

[263] The Commission continues to believe that SBS Entities that are registered with the Commission or the CFTC must already conduct a review to determine if their associated persons are statutorily disqualified persons in the CEA and the Exchange Act. *See* 15 U.S.C. 78f(c)(2), 78o–3(g)(2), and 78q(f)(2), and 7 U.S.C. 6k(5) and 12a(1).

[264] 423 associated persons × 1 hour = 423.

[265] 423 associated persons × 2 hours = 846.

[266] 63 associated persons × 1 hour = 63.

[267] ((One hour × 423 associated persons that are natural persons × (30 SBS Dealers that are registered or registering with the CFTC + 16 SBS Dealers that are registered or registering with the Commission as broker-dealers)) = 19,458 hours for SBS Dealers already registered or registering with the Commission or CFTC. (One hour × 63 associated persons × 5 Major SBS Participants) = 315 hours for Major SBS Participants. (Two hours × 4 SBS Dealers that are not otherwise registered or registering with the Commission or the CFTC × 423 associated persons) = 3,384 hours. 19,458 hours + 315 hours + 3,384 hours = 23,157.

[268] Registration Proposing Release, at 65811. We received no comments on this estimate, and continue to believe it is appropriate, even with the modification to the certification to add the phrase ''unless otherwise specifically provided by rule, regulation or order of the Commission,'' because the modification should not change the burden associated with this certification requirement.

associated persons when the relationship was established. Based on staff experience and industry norms we understand that as part of their existing business practices financial institutions generally collect information from business partners to gain comfort and reduce risks.[269] Consequently, we believe it would likely take, on average, approximately five hours for a CCO to collect information from its legal or other internal departments or its holding company to determine whether each of its associated persons that is not a natural person is subject to statutory disqualification. Thus, we estimate that it would take a CCO approximately 50 hours to obtain sufficient information that none of its associated persons is subject to statutory disqualification [270] and one hour to sign the certification.

We have modified the requirement so that this CCO certification is no longer contained in Schedule G, but in Form SBSE–C. The Commission staff estimates that the total burden to all SBS Entities to complete the CCO Certification Regarding Associated Persons on Form SBSE–C would be approximately 2,805 hours,[271] and we have included these hours above in the burden associated with Form SBSE–C (*see* Section IV.D.1.).

To the extent that approximately 35 SBS Entities will also be registered with the CFTC as swap entities and 16 will also be registered as broker-dealers, the burdens and costs associated with reviewing associated persons' backgrounds will likely be significantly less than this because those firms' employment applications likely contain the appropriate information and because we are allowing SBS Entities to rely on background checks performed in those contexts.

4. Burdens on Nonresident SBS Entities

In the Cross Border Proposing Release, the Commission estimated that approximately 18 entities will be registered foreign SBS Dealers, as defined in proposed Rule 3a71–3(a)(3) or foreign Major SBS Participants, as defined in proposed Rule 3a67–10(a)(1). Since that time we have come to believe that 22 nonresident entities will fit the definition of nonresident SBS Dealer or nonresident Major SBS Participant and will, therefore, need to register with the Commission.[272] Rule 15Fb2–4 requires that each nonresident SBS Entity file an additional schedule (Schedule F) as part of the application they file with the Commission, to identify its U.S. agent for service of process and to certify that the firm can, as a matter of law, provide the Commission with access to its books and records and can, as a matter of law, and will submit to onsite inspection and examination by the Commission.

In the Registration Proposing Release the Commission estimated that the average time necessary for a nonresident SBS Entity to complete and file Schedule F would be approximately one hour.[273] We stated our belief in the Cross Border Proposing Release that adding the new section to Schedule F could increase the amount of time it would take for an SBS Entity to complete this form by one-half hour.[274] Thus, the Commission estimates that the total burden for all nonresident SBS Entities to complete and file Schedule F would be approximately 33 hours.[275]

The Commission estimates, based on internet research,[276] that it would cost each nonresident SBS Entity approximately $179 annually to appoint and maintain a relationship with a U.S. agent for service of process. Consequently, the total cost for all nonresident SBS Entities to appoint and maintain relationships with U.S. agents for service of process is approximately $3,938 per year.[277]

In addition, nonresident SBS Entities likely will incur outside legal costs associated with obtaining an opinion of counsel. In the Registration Proposing Release the Commission estimated that each nonresident SBS Entity would incur, on average, approximately $25,000 in outside legal costs to obtain the necessary opinion of counsel.[278] Consequently, we estimate that the total cost for all nonresident SBS Entities to obtain this opinion of counsel would be approximately $550,000.[279]

Nonresident entities must also amend Schedule F to inform the Commission if they replace their agent for service of process or if information regarding their existing agent for service of process changes. We do not believe this would occur frequently, and therefore estimate that ten percent of the nonresidents may need to amend their Schedule F to reflect these types of changes annually. Consequently, we estimate that the total annual burden for SBS Entities to amend Schedule F to reflect changes in information regarding their agent for service of process would be 3 hours.[280]

An SBS Entity must also re-certify on Schedule F of such Forms within 90-days after any changes in the legal or regulatory framework that would impact the SBS Entity's ability to provide, or manner in which it provides, the Commission with prompt access to its books and records or that impacts the Commission's ability to inspect and examine the SBS Entity. The SBS Entity's re-certification must be accompanied by a revised opinion of counsel regarding the new regulatory regime. We do not believe this would occur frequently, and therefore estimate that one nonresident entity may need to recertify annually. Thus, the total ongoing burden associated with this requirement would be approximately 1½ hours and $25,000 annually.

5. Burden Related to Retention of Manually Signed Signature Pages

Pursuant to Rule 15Fb1–1, each signatory to an electronic filing must, when the electronic filing is made, manually sign a signature page or other document adopting his or her signature that appears in typed form within the electronic filing. This manually signed page must be retained by the SBS Entity until at least three years after the form

[269] Firms generally collect information to assure that a business partner will be able to perform activities, provide timely payments, and will not expose it any unknown or unnecessary risks.

[270] 10 associated persons that are not natural persons × 5 hours = 50 hours.

[271] 51 hours × 55 SBS Entities = 2,805 hours.

[272] *See* Cross-Border Activity Proposing Release, at 27452.

[273] Registration Proposing Release, at 65811.

[274] Cross Border Proposing Release, at 31105. We received no comments on this estimate, and continue to believe it is appropriate.

[275] 1½ hours × 22 nonresident SBS Entities = 33 hours.

[276] *See, e.g., http://www.incorp.com/registered-agent-resident-agent-services.aspx* (as of June 23, 2015, $99 per state per year), *https://ct.wolterskluwer.com/registered-agent-services?mm_campaign=Enter_Campaign_Code_Here&keyword=registered%20agent&utm_source=Google&utm_medium=CPC&utm_campaign=RegisteredAgent&jadid=69563123457&jap=1t3&jk=registered%20agent&jkId=gc:a8a8ae4cd4a6542cf014a97541e8d183e:t1_p:k_registered%20agent:pl_&jp=&js=1&jsid=35672&jt=1* (as of June 23, 2015, $289 per year), and *https://www.ailcorp.com/services/registered-agent* (as of June 23, 2015, $149 per year). The staff sought Web sites that provided pricing information and a comprehensive description of their registered agent services. We calculated our estimate by averaging the costs provided on these three Web sites—($99 + $289 + $149)/3 = $179.

[277] $179 per nonresident SBS Entity × 22 nonresident SBS Entities = $3,938.

[278] Registration Proposing Release, at 65811. While a nonresident SBS Entity or its outside counsel would also need to monitor the foreign jurisdiction's legal and regulatory framework so that it can submit a new opinion of counsel and re-certify on Schedule F if the foreign laws changed, we believe that it is usual and customary for a nonresident SBS Entity to continually monitor the applicable law and regulations in the jurisdiction in which it resides, so we don't believe it would incur any additional paperwork costs to monitor those regulations for purposes of this rulemaking. We received no comments on this estimate, and continue to believe it is appropriate.

[279] $25,000 × 22 SBS Entities = $550,000.

[280] 22 nonresident SBS Entities × 10% = approximately 2 SBS Entities. 2 SBS Entities × 1½ hours = 3 hours.

or certification has been replaced or is no longer effective. Consequently, each SBS Entity will need to maintain at least three pages with manually signed signatures (the execution page of Form SBSE, SBSE–A, or SBSE–BD, as applicable, Schedule C and Schedule G). In addition, nonresident SBS Entities also would need to retain a manually signed copy of Schedule F. As so few pages would need to be retained, the staff believes the burden associated with retaining them would not be significant. Thus, the Commission estimated in the Registration Proposing Release that it would take each SBS Entity approximately 10 minutes annually to assure that these pages are retained.[281] Consequently, it would take approximately 9 hours annually for all SBS Entities.[282]

6. Burden Associated With Filing Withdrawal Form

As discussed in the Registration Proposing Release, the Commission believes that entities will not enter and exit this business regularly because the cost and effort to register as an SBS Entity will be significant.[283] As the Form SBSE–W is only one page and consists of information readily available to SBS Entities, the Commission estimates (based on experience relative to Form BD–W) that it likely would take an SBS Entity, on average, approximately one hour to complete and file a Form SBSE–W. While the Commission believes it is unlikely that SBS Entities will withdraw from registration often or within the first year, solely for purposes of this PRA the Commission believes that one SBS Entity may file Form SBSE–W to withdraw from registration annually and the total burden associated with completing and filing Form SBSE–W would be approximately one hour each year.[284] We included these estimates in the Registration Proposing Release and received no comment on our estimates. Consequently, the estimated paperwork burden for filing Form SBSE–W is one hour annually for all SBS Entities.[285]

E. Retention Period of Recordkeeping Requirements

Proposed Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, and SBSE–W would require that each respondent retain certain records and information for three years.

F. Collection of Information is Mandatory

Any collections of information required pursuant to Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, and SBSE–BD are mandatory to permit the Commission to determine whether applicants meet the standards for registration, and to fulfill its oversight responsibilities.

The collections of information required pursuant to Rule 15Fb3–2 and Form SBSE–W are mandatory to allow the Commission to determine whether it is in the public interest to allow an SBS Entity to withdraw from registration.

G. Confidentiality

SBS Entity applications on Forms SBSE, SBSE–A, and SBSE–BD (including the Schedules and DRPs) filed with the Commission as required by Rule 15Fb2–1, will be made public.

All amendments to SBS Entity applications, required by Rule 15Fb2–3, will be made public.

SBS Entities' Form SBSE–C certifications, required by Rules 15Fb2–1 and 15Fb6–2 and filed as part of their applications, will be made public.

The review and signature of the CCO (or the CCO's designee) that is used as the basis for a background check of the associated person to verify that the associated person is not subject to statutory disqualification, will be retained by the SBS Entity. To the extent the Commission obtains copies of these records, they will be kept confidential, subject to applicable law.

SBS Entities' Schedules F and attached opinions of counsel, required by Rule 15Fb2–4 and filed with the Commission as part of their applications, will be made public. Written consents and powers of attorney appointing an agent in the United States for service of process obtained and maintained for three years after the agreement is terminated to comply with Rule 15Fb2–4 will be retained by the SBS Entity. To the extent the Commission obtains copies of these records, they will be kept confidential, subject to applicable law.

Manually signed signature pages or other document adopting signatures that appear in typed form within electronic filings submitted by SBS Entities that are created are retained by SBS Entities in accordance with Rule 15Fb1–1. To the extent the Commission obtains copies of these records, they will be kept confidential, subject to applicable law.

SBS Entities' Forms SBSE–W, required by Rule 15Fb3–2 and filed with the Commission, will be made public.

V. Economic Analysis

A. Introduction and Broad Economic Considerations

As discussed above, consistent with our mandate under Title VII of the Dodd-Frank Act, the Commission is adopting final rules and forms that establish a process by which SBS Entities can register (and withdraw from registration) with the Commission. This section presents a detailed analysis of the particular economic effects—including the costs and benefits and the impact on efficiency, competition, and capital formation—that may result from our final rules.

Section 3(f) of the Exchange Act requires the Commission, when engaging in rulemaking that requires the Commission to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. Further, section 23(a)(2) of the Exchange Act requires the Commission, when adopting rules under the Exchange Act, to consider the impact that any new rule would have on competition and to not adopt any rule that would impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

In the Registration Proposing Release, the Commission solicited comments on all aspects of the costs and benefits associated with the proposed rules, including any effect the proposed registration rule may have on efficiency, competition, and capital formation. The Commission has considered these comments and has modified some of the rules being adopted today from the proposal in ways designed to reduce the cumulative burden and costs associated with complying with the registration requirements. Nonetheless, the Commission recognizes—as reflected in the economic analysis—that the final rules establish new requirements applicable to SBS Entities and that complying with these requirements will entail significant costs to SBS Entities. In considering the economic consequences of these final rules we have been mindful of the link between various registration requirements and

[281] Registration Proposing Release, at 65811. We received no comments on this estimate, and continue to believe it is appropriate.

[282] (10 minutes × 55 SBS Entities)/60 minutes = 9.17 hours.

[283] *See* Registration Proposing Release, at 65811.

[284] The burden associated with the requirement to amend Forms SBSE, SBSE–A, or SBSE–BD, as appropriate before filing Form SBSE–W is included in the burden described with respect to amending those forms more generally.

[285] 1 hour × 1 entity per year = 1 hour.

the scope of the persons that will register as dealers or Major SBS Participants, as well as the direct costs and indirect costs these rules will impose on market participants. We have considered the likely costs and benefits of the registration process on resident and nonresident SBS Entities, security-based swap counterparties, and participants in reference security markets. As discussed throughout this release, the Commission believes that the new requirements are necessary and appropriate for SBS Entity registration and for enabling the Commission's effective oversight of security-based swap markets. The Commission believes these final registration rules should result in substantial benefits and will not impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The final registration rules establish a process that enables resident and nonresident market participants that meet SBS Entity registration thresholds to register and participate as dealers and major participants in U.S. security-based swap markets pursuant to Title VII. This section provides background about the rules being adopted, placing them in the context of Title VII and identifying broader economic considerations behind the more detailed assessment of the likely economic effects discussed in the sections that follow. The economic analysis addresses, among other things, the effects of the final registration rules on both the market participants that are expected to register with the Commission and face a compliance burden, and on the nonresident market participants from jurisdictions with strict blocking laws, privacy laws, secrecy laws and other legal barriers that may be legally unable to comply with final SBS Entity registration requirements concerning access to books and records.

The Commission has considered the potential benefits, costs, and effects on competition, efficiency and capital formation of registration rules as they pertain to resident and nonresident SBS Entities and other market participants in Sections V.C, V.D and V.E, below. In considering the costs and benefits of these rules, we are mindful of the various considerations that must be taken into account in establishing the baseline against which these costs and benefits may be evaluated. A key consideration is that registration requirements, while integral to the regulatory requirements that will be imposed on SBS Entities pursuant to Title VII, do not establish the scope or nature of substantive requirements of the Title VII regulatory regime or their related costs and benefits. Our economic analysis reflects rules adopted as part of the Intermediary Definitions Adopting Release, the Cross-Border Adopting Release, Regulation SBSR and SDR Rules and Core Principles. The economic impact of the final registration rules will occur predominantly through the application of the substantive requirements outlined in future substantive Title VII rules, without, as a general matter, altering the nature of those substantive requirements. Although final registration rules do not define the specific substantive requirements, they may affect which entities register with the Commission and become subject to the Title VII requirements, which may influence the overall costs and benefits of particular regulatory requirements, and of the Title VII regulatory framework as a whole. For example, potential benefits and costs of pending clearing, business conduct, and capital and margin requirements, may depend on whether and which SBS Entities are required to and choose to register as SBS Entities and become subject to the Title VII regime, as opposed to exit the U.S. market and remain outside of the scope of the Title VII substantive rules. In formulating these rules, we have taken into account their anticipated costs and benefits to market participants, the incentives of market participants to register, and the ability of certain market participants to register and continue to participate in U.S. security-based swap markets. Many of the effects of the final registration rules flow not from the registration process directly, but rather indirectly from establishing a population of registered entities subject to the Title VII regulatory requirements. If some SBS Entities restructure or lower their security-based swap market participation in response to final registration rules, the ensuing programmatic costs and benefits of the Title VII regulatory regime may be impacted.[286]

Title VII provides a statutory framework for the OTC derivatives market and divides authority to regulate that market between the CFTC (which regulates swaps) and the Commission (which regulates security-based swaps). The Title VII framework requires certain market participants to register with the Commission as SBS Dealers or Major SBS Participants and subjects such entities to certain requirements. The economic analysis below considers both the various required disclosures and certifications in the rules being adopted, and how they compare to alternatives, such as CFTC swap dealer and major swap participant registration rulemakings. We have assessed whether certain SBS Entities may have already registered with the CFTC as swap dealers or major swap participants, and how potential differences in registration requirements may lead to frictions in single-name CDS and index CDS markets.

The Commission is cognizant of the potential flow from regulations that impact security-based swap markets into underlying securities markets. End-users may demand security-based swaps in order to hedge or mitigate credit risk of reference securities. For example, since CDS can protect bond investors, CDS may reduce fire sale risk, increase liquidity of underlying bonds and decrease yield spreads. As both CDS and corporate bonds price credit risk of the underlying reference security, information may flow between the two markets. These channels would indicate a potential positive spillover effect between transparency, pricing and liquidity in security-based swap markets, and market quality in bond markets, with implications for firm ability to place debt and raise external financing necessary for real investments. At the same time, CDS markets are sometimes more liquid than the underlying bond markets and dominated by large institutional traders, hence, price discovery and liquidity in the single name CDS market need not necessarily translate into informational efficiency or liquidity in the underlying bond markets. In formulating the registration rules being adopted, the Commission has considered the likely effects of registration-related disclosure requirements, requirements that might preclude certain nonresident SBS Entities from registering, and the overall registration burden for SBS Entities on security-based swap and reference security markets.

The final registration rules govern the application process for entities required to register with the Commission as SBS Entities, as well as withdrawal, cancellation and revocation of registration, and include certifications relating to policies and procedures addressing compliance, access to books and records, and statutorily disqualified persons who effect or are involved in effecting security-based swap transactions. The Commission has sought to accommodate a variety of

[286] As in the Intermediary Definitions Adopting Release, we use ''programmatic costs and benefits'' to refer to economic costs and benefits that stem from having a population of registered entities complying with the fully-implemented Title VII regulatory regime.

expected SBS Entity filers with tailored registration forms designed to minimize the economic costs of registration for some SBS Entities that are already filing similar information with regulatory authorities. The final registration rules include registration forms SBSE, SBSE–A for entities already registered with the CFTC as swap dealers or major swap participants, SBSE–BD for entities already registered with the Commission as broker dealers, and SBSE–W for withdrawal from registration.

At the outset, the Commission notes that, where possible, it has attempted to quantify the costs, benefits, and effects on efficiency, competition, and capital formation expected to result from adopting these rules and forms. In many cases, however, the Commission is unable to quantify the economic effects because it lacks the information necessary to provide a reasonable estimate. For example, we lack data on the complexity and variety of current SBS Entity business structures and activities; the degree of SBS Entity business reliance on associated persons subject to a statutory disqualification, as well as the location and specificity of expertise of such persons; the feasibility of potential restructuring through which nonresident SBS Entities may be able to bring themselves out of the potential reach of foreign blocking laws, privacy laws, secrecy laws and other legal barriers; profitability of SBS Entity dealing activities at different transaction volumes; and how other SBS Entities, new entrants, and other market participants, including those currently not transacting in security-based swap markets, may react to individual registration rules. To the best of our knowledge, no such data are publicly available and commenters have not provided data to allow such quantification. Further, the compliance date for registration rules is the later of six months after publication in the **Federal Register** of final capital, margin and segregation rules; the compliance date of final rules establishing recordkeeping and reporting requirements for SBS Entities; the compliance date of final rules establishing business conduct requirements under Exchange Act Sections 15F(h) and 15F(k); or the compliance date for final rules establishing a process for a registered SBS Entity to make an application to the Commission to allow an associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on the SBS Entity's behalf. Therefore, we cannot quantify how market participants currently expected to register as SBS Entities may choose to restructure or cease their U.S. security-based swap market participation in response to the pending substantive requirements of Title VII, or whether or how many new participants may choose to enter the U.S. security-based swap market as SBS Entities in order to avail themselves of the greater transparency and counterparty protections stemming from Title VII. Where we cannot quantify, we discuss in qualitative terms the economic effects, including the costs and benefits, of entity registration.

B. Baseline

To assess the economic impact of the final rules described in this release, we are using as our baseline the security-based swap market as it exists at the time of this release, including applicable rules we have already adopted but excluding rules that we have proposed but not yet finalized.[287] The analysis includes the statutory and regulatory provisions that currently govern the security-based swap market pursuant to the Dodd-Frank Act, as well as rules adopted in the Intermediary Definitions Adopting Release, the Cross-Border Adopting Release, the Regulation SBSR Adopting Release, and the SDR Rules and Core Principles Adopting Release.[288] Our understanding of the market is informed by available data on security-based swap transactions, though we acknowledge the data limit the extent to which we can quantitatively characterize the market. Because these data do not cover the entire market, we have developed an understanding of market activity using a sample that includes only certain portions of the market.

1. Current Security-Based Swap Market

Our analysis of the state of the current security-based swap market is based on data obtained from the DTCC Derivatives Repository Limited Trade Information Warehouse (''TIW''), especially data regarding the activity of market participants in the single-name credit-default swap (''CDS'') market during the period from 2008 to 2014. According to data published by the Bank for International Settlements (''BIS''), the global notional amount outstanding in equity forwards and swaps as of December 2014 was $2.50 trillion. The notional amount outstanding in single-name CDS was approximately $9.04 trillion, in multi-name index CDS was approximately $6.75 trillion, and in multi-name, non-index CDS was approximately $611 billion.[289] Our analysis in this release focuses on the data relating to single-name CDS. As we have previously noted, although the definition of security-based swaps is not limited to single-name CDS, we believe that the single-name CDS data are sufficiently representative of the market and therefore can directly inform the analysis of the state of the current security-based swap market.[290]

We believe that the data underlying our analysis here provide reasonably comprehensive information regarding single-name CDS transactions and the composition of the single-name CDS market participants. We note that the data available to us from TIW do not encompass those CDS transactions that both: (i) Do not involve U.S. counterparties; [291] and (ii) are based on non-U.S. reference entities. Notwithstanding this limitation, we believe that the TIW data provide sufficient information to identify the types of market participants active in the security-based swap market and the general pattern of dealing within that market.[292]

[287] We also considered, where appropriate, the impact of rules and technical standards promulgated by other regulators, such as the CFTC and the European Securities and Markets Authority, on practices in the security-based swap market.

[288] As noted above, we have not yet adopted other substantive requirements of Title VII that may affect how firms structure their security-based swap business and market practices more generally.

[289] *See* Semi-annual OTC derivatives statistics at December 2014, Table 19, available at *http://www.bis.org/statistics/dt1920a.pdf* (accessed July 29, 2015).

[290] While other repositories may collect data on transactions in total return swaps on equity and debt, we do not currently have access to such data for these products (or other products that are security-based swaps). In the Cross-Border Proposing Release, we explained that we believed that data related to single-name CDS was reasonable for purposes of this analysis, as such transactions appear to constitute roughly 82% of the security-based swap market as measured on a notional basis. *See* Cross-Border Proposing Release, footnote 1301 at 31120. No comments disputed these assumptions, and we therefore continue to believe that, although the BIS data reflect the global OTC derivatives market, and not just the U.S. market, these ratios are an adequate representation of the U.S. market.

Also consistent with our approach in that release, with the exception of the analysis regarding the degree of overlap between participation in the single-name CDS market and the index CDS market (cross-market activity), our analysis below does not include data regarding index CDS as we do not currently have sufficient information to identify the relative volumes of index CDS that are swaps or security-based swaps.

[291] We note that DTCC–TIW's entity domicile determinations may not reflect our definition of ''U.S. person'' in all cases. Our definition of ''U.S. person'' follows the Cross-Border Adopting Release, at 47303.

[292] The challenges we face in estimating measures of current market activity stems, in part, from the absence of comprehensive reporting requirements

Continued

Final registration rules require nonresident SBS Entities to make a certification that they can, as a matter of law, and will provide the Commission with prompt access to books and records and submit to onsite inspection and examination by the Commission. As anticipated in the Registration Proposing Release and noted by commenters, nonresident SBS Entities in a number of foreign jurisdictions that have blocking laws, privacy laws, secrecy laws and other legal barriers may be unable to comply with this requirement as it may conflict with the laws in their home jurisdictions. The following sections discuss common dealing structures, participant domiciles and market centers, and quantify extensive nonresident SBS Entity participation and cross-border trading in security-based swap markets as they exist today.

i. Dealing Structures and Participant Domiciles

Dealers occupy a central role in the security-based swap market and SBS Dealers use a variety of business models and legal structures to engage in dealing business with counterparties in jurisdictions all around the world.[293] As we noted in the Cross-Border Adopting Release and discussed below, both U.S.-based and foreign-based entities use certain dealing structures for a variety of legal, tax, strategic, and business reasons.[294] Dealers may use a variety of structures in part to reduce risk and enhance credit protection based on the particular characteristics of each entity's business.

Bank and non-bank holding companies may use subsidiaries to deal with counterparties. A U.S.-based holding company may engage in dealing activity through a foreign subsidiary that faces both U.S. and foreign counterparties, and foreign dealers may choose to deal with U.S. and foreign counterparties through U.S. subsidiaries. Similarly, a non-dealer user of security-based swaps may participate in the market using an agent in its home country or abroad. An investment adviser located in one jurisdiction may transact in security-based swaps on behalf of beneficial owners that reside in another.

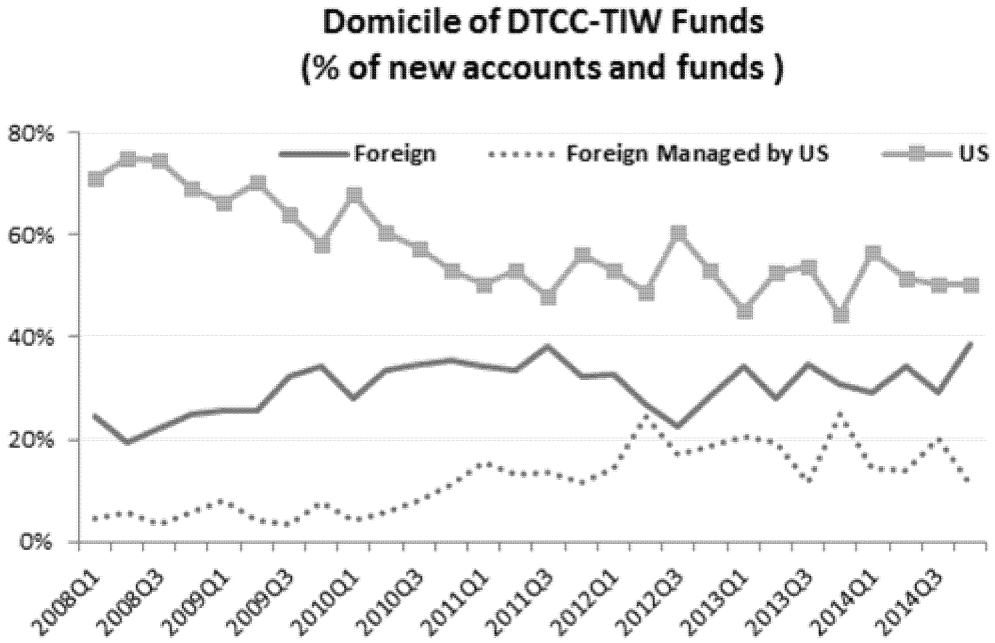
In some situations, an entity's performance under security-based swaps may be supported by a guarantee provided by an affiliate. Such guarantees may take the form of a blanket guarantee of an affiliate's performance on all security-based swap contracts, or a guarantee may apply only to a specified transaction or counterparty. Guarantees may give counterparties to a dealer direct recourse to the holding company or another affiliate for its dealer-affiliate's obligations under security-based swaps for which that dealer-affiliate acts as counterparty.

for security-based swap market participants. The Commission has adopted rules regarding trade reporting, data elements, and public reporting for security-based swaps that are designed to, when fully implemented, provide us with appropriate measures of market activity. *See* Regulation SBSR Adopting Release, at 14699–700.

[293] Commission staff analysis of TIW transaction records indicates that approximately 99% of single-name CDS price-forming transactions in 2014 involved an ISDA-recognized dealer. ''Price-forming transactions'' include all new transactions, assignments, modifications to increase the notional amounts of previously executed transactions, and terminations of previously executed transactions. Transactions terminated, transactions entered into in connection with a compression exercise, and expiration of contracts at maturity are not considered price forming and are therefore excluded, as are replacement trades and all bookkeeping-related trades. *See* Cross-Border Proposing Release, footnote 1312 at 31121. For the purpose of this analysis, the ISDA-recognized dealers are those identified by ISDA as belonging to the dealer group, including JP Morgan Chase, Morgan Stanley, Bank of America, Goldman Sachs, Deutsche Bank, Barclays, Citigroup, UBS, Credit Suisse, RBS Group, BNP Paribas, HSBC, Société Générale, Credit Agricole, Wells Fargo, and Nomura. *See, e.g., http://www2.isda.org/functional-areas/research/surveys/operations-benchmarking-surveys/.*

[294] *See* Cross-Border Adopting Release, at 30976.

Figure 1: The percentage of (1) new accounts with a domicile in the United States (referred to as "US"), (2) new accounts with a domicile outside the United States (referred to below as "Foreign"), and (3) new accounts outside the United States but managed by a U.S. person, account of a foreign branch of a U.S. person, and accounts of a foreign subsidiary of a U.S. person (collectively referred to below as "Foreign Managed by US").[295] Unique, new accounts are aggregated each quarter and percentages are computed on a quarterly basis, from January 2008 through December 2014.



As depicted in Figure 1, the domicile of new accounts participating in the market has shifted over time. A greater share of accounts entering the market either have a foreign domicile, or have a foreign domicile while being managed by a U.S. person. The increase in foreign accounts may reflect an increase in participation by foreign accountholders while the increase in foreign accounts managed by U.S. persons may reflect the flexibility with which market participants can restructure their market participation in response to regulatory intervention, competitive pressures, and other stimuli. Alternatively, the shifts in new account domicile we observe in Figure 1 may be unrelated to restructuring or increased foreign participation. For example, changes in the domicile of new accounts over time may reflect improvements in reporting by market participants to TIW rather than a change in market participant structure. Additionally, because the data only include accounts that are domiciled in the United States, transact with U.S.-domiciled counterparties, or transact in single-name CDS with U.S. reference entities, changes in the domicile of new accounts may reflect increased transaction activity between U.S. and non-U.S. counterparties or increased transactions in single-name CDS on U.S. reference entities by foreign persons.

ii. Market Centers

Security-based swap participants currently appear to be active in market centers across the globe. Participants in the security-based swap market may bear the financial risk of a security-based swap transaction in a location different from the location where the transaction is arranged, negotiated, or executed or the location where economic decisions are made by managers on behalf of beneficial owners. Similarly, a participant in the security-based swap market may be exposed to counterparty risk from a jurisdiction that is different from the market center or centers in which it participates. Depending on the U.S. person status of the counterparties and the location of the activity, security-based swap transactions that occur across borders or within foreign jurisdictions may trigger U.S. registration requirements and may also be subject to rules in foreign jurisdictions.

The TIW transaction records include, in many cases, information on particular branches involved in transactions, which may provide limited insight as to where security-based swap activity is actually being carried out.[296] These data indicate branch locations in New York,

[295] Following publication of the Warehouse Trust Guidance on CDS data access, TIW surveyed market participants, asking for the physical address associated with each of their accounts (*i.e.,* where the account is organized as a legal entity). This is designated the registered office location by TIW. When an account does not report a registered office location, we have assumed that the settlement country reported by the investment adviser or parent entity to the fund or account is the place of domicile. This treatment assumes that the registered office location reflects the place of domicile for the fund or account.

[296] The value of this information is limited in part because some market participants may use business models that do not involve branches to carry out business in jurisdictions other than their home jurisdiction. For example, some market participants may use affiliated or unaffiliated agents to enter into security-based swap transactions in other jurisdictions on their behalf. The available data currently does not allow us to identify with certainty which type of structure is being used in any particular transaction.

London, Tokyo, Hong Kong, Chicago, Sydney, Toronto, Frankfurt, Singapore and the Cayman Islands. Because transaction records in the TIW data provided to the Commission do not indicate explicitly the location in which particular transactions were arranged, negotiated or executed, these locations may not represent the full set of locations in which activities relevant for these proposed rules take place. Moreover, because we cannot identify the location of transactions within TIW, we are unable to estimate the general distribution of transaction volume across market centers.

iii. Current Estimates of Number of SBS Dealers and Major SBS Participants

In the Regulation SBSR Adopting Release, we estimated, based on an analysis of TIW data, that out of more than 4,000 entities engaged in single-name CDS activity worldwide in 2013, 170 entities engaged in single-name CDS activity at a sufficiently high level that they would be expected to incur assessment costs to determine whether they meet the ''security-based swap dealer'' definition.[297] Approximately 45 of these entities are non-U.S. persons and are expected to incur assessment costs as a result of engaging in dealing activity with counterparties that are U.S. persons or engaging in dealing activity that involves recourse to U.S. persons.[298] Analysis of those data further indicated that potentially 50 entities may engage in dealing activity that would exceed the *de minimis* threshold, and thus ultimately have to register as SBS Dealers. The Commission also undertook an analysis of the number of security-based swap market participants likely to register as major security-based swap participants, and estimated a range of between zero and five such participants.[299]

As we noted in the Cross-Border Dealing Activity Proposing Release, updated analysis of 2014 data leaves many of these estimates largely unchanged.[300] We estimate that approximately 170 entities engaged in single-name CDS activity at a sufficiently high level that they would be expected to incur assessment costs to determine whether they meet the ''security-based swap dealer'' definition. Approximately 56 of these entities are non-U.S. persons. Of the approximately 50 entities that we estimate may potentially register as SBS Dealers, we believe it is reasonable to expect 22 to be non-U.S. persons.[301]

In addition, in the proposed registration requirements for SBS Dealers and Major SBS Participants, we estimated, based on our experience and understanding of the swap and security-based swap markets that of the 55 firms that might register as SBS Dealers or Major SBS Participants, approximately 35 would also register with the CFTC as swap dealers or major swap participants.[302] Available data suggest that these numbers remain largely unchanged.[303] Finally, based on our analysis of TIW data and supervisory filings, we estimate that sixteen market participants expected to register as SBS Entities have already registered with the Commission as broker-dealers. In sum, based on our analysis of TIW data and the current population of registered broker-dealers, swap dealers, and OTC derivative dealers, we anticipate that up to four entities seeking to register with the Commission as SBS Entities will not have already registered as broker-dealers or as swap dealers.

2. Levels of Security-Based Swap Trading Activity

Below we describe the levels of security-based swap trading activity and its concentration among SBS Dealers and Major SBS Participants. Since registration rules may affect resident and nonresident SBS Entities differently, we further discuss domicile issues and participant structures operating across jurisdictions in security-based swap markets as they exist today.

Single-name CDS contracts make up the vast majority of security-based swap products and most are written on corporate issuers, corporate securities, sovereign countries, or sovereign debt (reference entities and securities). Figure 2 below describes the percentage of global, notional transaction volume in North American corporate single-name CDS reported to the TIW between January 2008 and December 2014, separated by whether transactions are between two ISDA-recognized dealers (inter-dealer transactions) or whether a transaction has at least one non-dealer counterparty.

Annual trading activity with respect to North American corporate single-name CDS in terms of notional volume has declined from more than $6 trillion in 2008 to less than $3 trillion in 2014.[304] While notional volume has declined over the past six years, the portion of the notional volume represented by inter-dealer transactions has remained fairly constant and inter-dealer transactions continue to represent a significant majority of trading activity, whether measured in terms of notional value or number of transactions (*see* Figure 2).

The high level of inter-dealer trading activity reflects the central position of a small number of dealers, each of which intermediates trades between many hundreds of counterparties. While the Commission is unable to quantify the current level of trading costs for single-name CDS, dealers appear to enjoy market power as a result of their small number and the large proportion of order flow they privately observe. This market power in turn appears to be a key determinant of trading costs in this market.

[297] *See* Regulation SBSR Adopting Release, at 14693.

[298] *See* Exchange Act Rule 3a71–3(b).

[299] *See* Regulation SBSR Adopting Release 14693. Also See Cross-Border Adopting Release, footnotes 150 and 153 at 47296 and 47297 (describing the methodology employed by the Commission to estimate the number of potential SBS Dealers and Major SBS Participants).

[300] *See* Cross Border Dealing Activity Proposing Release, at 27452.

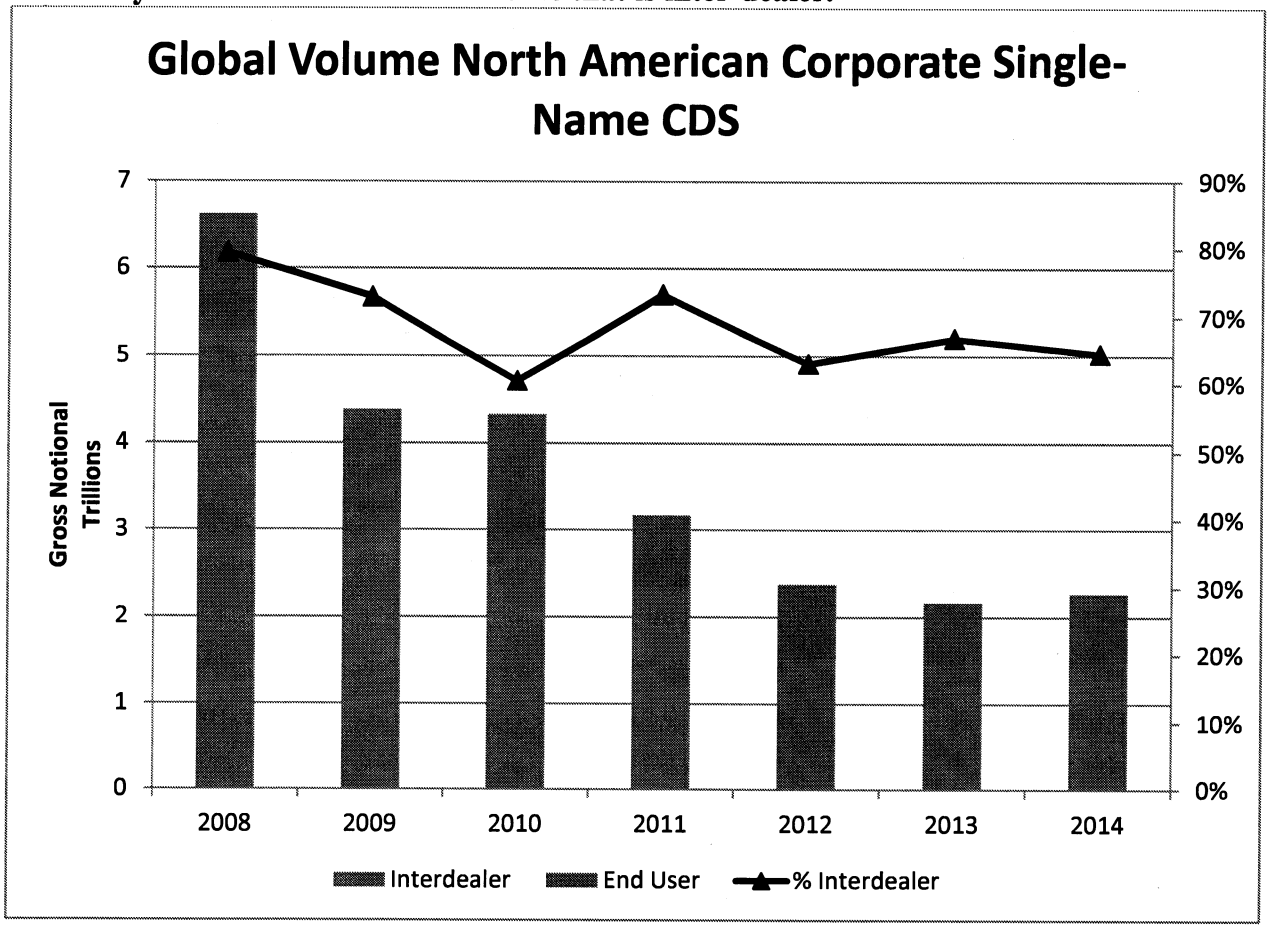
[301] These estimates are based on the number of accounts in DTCC–TIW data with total notional volume in excess of de minimis thresholds, increased by a factor of two, to account for any potential growth in the security-based swap market, to account for the fact that we are limited in observing transaction records for activity between non-U.S. persons that reference U.S. underliers, and to account for the fact that we do not observe security-based swap transactions other than in single name CDS. *See* Cross Border Dealing Activity Proposing Release, 80 FR at 27452. *Also see* Intermediary Definitions Adopting Release, foonote 1457 at 30725.

[302] *See* Registration Proposing Release, at 65808.

[303] Based on our analysis of 2014 DTCC–TIW data and the list of swap dealers provisionally-registered with the CFTC, and applying the methodology used in the Intermediary Definitions Adopting Release, we estimate that substantially all registered security-based swap dealers would also register as swap dealers with the CFTC. *See* Cross Border Dealing Activity Proposing Release, at 27458. *See also* CFTC list of provisionally registered swap dealers, available at *http://www.cftc.gov/LawRegulation/DoddFrankAct/registerswapdealer.*

[304] The start of this decline predates the enactment of the Dodd-Frank Act and the proposal of rules thereunder, which is important to note for the purpose of understanding the economic baseline for this rulemaking.

Figure 2: Global, notional trading volume in North American corporate single-name CDS by calendar year and the fraction of volume that is inter-dealer.



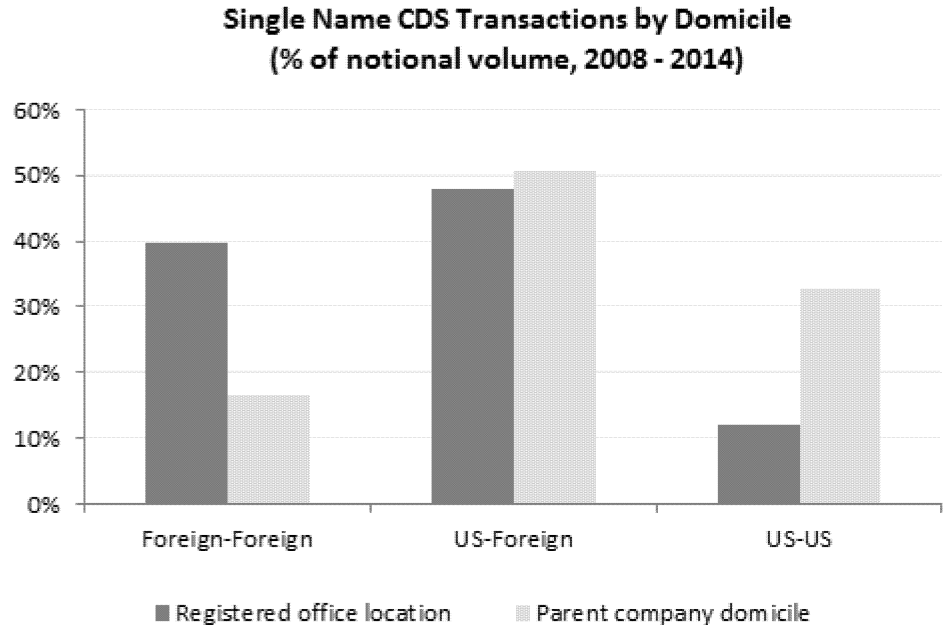
Against this backdrop of declining North American corporate single-name CDS activity, about half of the trading activity in North American corporate single-name CDS reflected in the set of data we analyzed was between counterparties domiciled in the United States and counterparties domiciled abroad. Basing counterparty domicile on the self-reported registered office location of the TIW accounts, the Commission estimates that only 12 percent of the global transaction volume by notional volume between 2008 and 2014 was between two U.S.-domiciled counterparties, compared to 48 percent entered into between one U.S.-domiciled counterparty and a foreign-domiciled counterparty and 40 percent entered into between two foreign-domiciled counterparties (*see* Figure 3).[305]

When the domicile of TIW accounts is instead defined according to the domicile of an account holder's ultimate parents, headquarters, or home offices (*e.g.,* classifying a foreign bank branch or foreign subsidiary of a U.S. entity as domiciled in the United States), the fraction of transactions entered into between two U.S.-domiciled counterparties increases to 32 percent, and to 51 percent for transactions entered into between a U.S.-domiciled counterparty and a foreign-domiciled counterparty.

Differences in classifications across different definitions of domicile illustrate the effect of participant structures that operate across jurisdictions. Notably, the proportion of activity between two foreign-domiciled counterparties drops from 40 percent to 17 percent when domicile is defined as the ultimate parent's domicile. As noted earlier, foreign subsidiaries of U.S. parent companies and foreign branches of U.S. banks, and U.S. subsidiaries of foreign parent companies and U.S. branches of foreign banks may transact with U.S. and foreign counterparties. However, this change in respective shares based on different classifications suggests that the activity of foreign subsidiaries of U.S. firms and foreign branches of U.S. banks is generally higher than the activity of U.S. subsidiaries of foreign firms and U.S. branches of foreign banks.

[305] For purposes of this discussion, we have assumed that the registered office location reflects the place of domicile for the fund or account, but we note that this domicile does not necessarily correspond to the location of an entity's sales or trading desk. *See* Cross Border Dealing Activity Proposing Release, footnote 44, at 27451.

Figure 3: The fraction of notional volume in North American corporate single-name CDS between (1) two U.S.-domiciled accounts, (2) one U.S.-domiciled account and one non-U.S.-domiciled account, and (3) two non-U.S.-domiciled accounts, computed from January 2008 through December 2014.



Non-dealer participants remain active in the single name CDS market. Based on our analysis of DTCC–TIW data on single name CDS positions as of the end of 2014, the total notional outstanding of non-dealer accounts was approximately $1.3 trillion. There were three market participants with total notional outstanding of over $50 billion, 16 market participants with total notional between $10 billion and $50 billion, 144 market participants with total notional between $1 billion and $10 billion and 748 participants with total notional outstanding in single name CDS under $1 billion.

3. Cross-Market Participation

As noted in the Cross-Border Dealing Activity Proposing Release, persons registered as SBS Dealers or Major SBS Participants are likely also to engage in swap activity, which is subject to regulation by the CFTC.[306] Indeed, as we discuss above, we estimate that of the 55 firms that might register as SBS Dealers or Major SBS Participants, approximately 35 will also register with the CFTC as swap dealers or major swap participants.

This overlap reflects the relationship between single-name CDS contracts, which are security-based swaps, and index CDS contracts, which may be swaps or security-based swaps. A single-name CDS contract covers default events for a single reference entity or reference security. Index CDS contracts and related products make payouts that are contingent on the default of index components and allow participants in these instruments to gain exposure to the credit risk of the basket of reference entities that comprise the index, which is a function of the credit risk of the index components. A default event for a reference entity that is an index component will result in payoffs on both single-name CDS written on the reference entity and index CDS written on indices that contain the reference entity. Because of this relationship between the payoffs of single-name CDS and index CDS products, prices of these products depend upon one another,[307] creating hedging opportunities across these markets.

These hedging opportunities mean that participants that are active in one market are likely to be active in the other. Commission staff analysis of approximately 4,500 TIW accounts that participated in the market for single-name CDS in 2014 revealed that approximately 2,500 of those accounts, or 56 percent, also participated in the market for index CDS. Of the accounts that participated in both markets, data regarding transactions in 2014 suggest that, conditional on an account transacting in notional volume of index CDS in the top third of accounts, the probability of the same account landing in the top third of accounts in terms of single-name CDS notional volume is approximately 60 percent; by contrast, the probability of the same account landing in the bottom third of accounts in terms of single-name CDS notional volume is only 11 percent.

Activity in security-based swap markets can impact underlying securities markets. Security-based swaps may be used in order to hedge or speculate on credit risk of reference securities. For instance, prices of both CDS and corporate bonds are sensitive to the credit risk of underlying reference securities and, therefore, trading across markets may sometimes result in a potential positive spillover effect between informational efficiency, pricing and liquidity in security-based swap markets, and market quality in bond markets. At the same time, if some large institutional traders prefer to transact on their credit risk information

[306] *See* Cross Border Dealing Activity Proposing Release, at 27458.

[307] ''Correlation'' typically refers to linear relationships between variables; ''dependence'' captures a broader set of relationships that may be more appropriate for certain swaps and security-based swaps. *See, e.g.,* Casella, George and Roger L. Berger, ''Statistical Inference'' (2002), at 171.

in more liquid markets in order to minimize price impact and improve execution quality, price discovery and liquidity in the single name CDS market may draw out these sophisticated investors and lead to a drying up of liquidity in the underlying bond markets.[308]

Because of this link between security-based swaps and their underlying reference securities, registration rules are expected to affect not only SBS Entities and their counterparties, but also investors in underlying reference security markets. In the sections that follow we discuss and, wherever possible, quantify the potential costs and benefits of registration for affected parties.

4. Statutory Disqualification

The final registration rules require SBS Entities to certify that no associated person that effects or is involved in effecting security-based swaps on behalf of the SBS Entity is subject to statutory disqualification. The rule implements Exchange Act 15F(b)(6) that makes it unlawful for SBS Entities to permit associated persons subject to statutory disqualification to effect or be involved in effecting security-based swaps on behalf of SBS Entities, except to the extent otherwise specifically provided by rule, regulation, or order of the Commission. The Commission has provided temporary relief from the Exchange Act Section 15F(b)(6) prohibition for persons who were associated with an SBS Entity as of July 16, 2011; this temporary exception expires on the effective date of adopted SBS Entity registration rules.[309]

Thus, there are currently no registered SBS Entities required to comply with either the statutory disqualification certifications in the final registration rules, or the prohibition in Exchange Act Section 15F(b)(6) on associated statutorily disqualified persons effecting or involved in effecting security-based swaps on behalf of SBS Entities. Therefore, the appropriate baseline reflects the state of the world with relief from the general prohibition on disqualified associated persons effecting or being involved in effecting security-based swaps on behalf of SBS Entities.

In evaluating the economic effects of final registration rules, we are mindful of the fact that due to the temporary relief currently in place, entities that are expected to register with the Commission as SBS Entities may not have restructured their business to be in compliance with the statutory prohibition in Exchange Act Section 15F(b)(6) and may currently be associating with disqualified persons for the purposes of effecting security-based swaps. Since the CFTC's approach excepts associated entities from the scope of the disqualification requirement, SBS Entities that have cross-registered as swap entities may be continuing to associate with disqualified persons that are entities, but may have reassigned their current employees, hired new employees or secured natural person waivers from the NFA.

C. Benefits of Registration

The economic benefits of entity registration stem from two sources: (1) The direct benefits of registration, such as requirements to provide information regarding disciplinary history and Senior Officer Certifications; and (2) the benefits that flow from having a population of registered participants complying with the Title VII regulatory framework for SBS Entities.

1. Direct Benefits

The certifications and other requirements contained in the final registration rules may enable the Commission to more effectively oversee security-based swap markets. The Senior Officer Certification requirement helps ensure that the CCO considers whether an SBS Entity has developed and implemented written policies and procedures that would be reasonably designed to prevent violations of federal securities laws and rules thereunder. Information about SBS Entities and their control affiliates, including disciplinary history, may facilitate ongoing Commission risk assessments and oversight of SBS markets, as well as help market participants make more informed counterparty choices. Associated person certifications help ensure associated persons subject to a statutory disqualification, who may pose a risk to participants, are precluded from effecting or being involved in effecting security-based swap transactions on behalf of SBS Entities absent a Commission rule, regulation or order. The books and records certification helps to ensure the Commission will have access to records and data of nonresident SBS Entities to facilitate ongoing risk assessments and market surveillance, and that, like resident SBS Entities, all nonresident SBS Entities are able to be subject to Commission inspections and examinations as part of its regulatory oversight of SBS Entities.

i. Disciplinary History and Other Information

Final registration rules require SBS Entities to submit to the Commission information about their business, including business description, registration status with other regulators and disciplinary histories, including those of control affiliates, with the information subsequently being made public by the Commission. Although much of the information required by registration forms is already publicly available for entities that are registered with the Commission as broker-dealers or with the CFTC as swap dealers, entities that are not cross-registered will make some of this information—for instance, disciplinary history of control affiliates—publicly available for the first time. All new entrants that are not cross-registered would have to provide this information as well, including as it pertains to their control affiliates. Further, SBS Entities seeking to avail themselves of the relief for associated entity disqualifications that precede the compliance date of final registration rules, will have to provide a list of disqualified associated entities which will be made public by the Commission as part of the registration application. The Commission believes these requirements may facilitate ongoing oversight of SBS Entities and may help market participants make more informed counterparty decisions.

Informational asymmetry can negatively affect market participation and decrease the amount of trading—a problem commonly known as adverse

[308] Empirical evidence on the direction and significance of the CDS-bond market spillover is mixed. Massa and Zhang (2012) consider whether the presence of CDS improves pricing and liquidity of investment grade bonds in 2001–2009. They find a positive effect, strongest during the financial crisis period, and document a dampened effect of shocks on bond liquidity and spreads for bonds with CDS contracts. Das *et al.,* (2014) consider the effects of CDS trading on the efficiency, pricing error and liquidity of corporate bond markets. They find that efficiency in corporate bond markets has not improved after the introduction of CDS trading and find no evidence of increases in market quality or bond liquidity. Boehmer, Chava and Tookes (2015) find the emergence of CDS has adversely affected equity market quality. Firms with traded CDS contracts on their debt experience significantly lower liquidity and price efficiency when these firms are closer to default and in times of high market volatility.

See Massa & L. Zhang, CDS and the Liquidity Provision in the Bond Market (INSEAD Working Paper No. 2012/114/FIN, 2012), available at *http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2164675*; M. Oehmke & A. Zawadowski, The Anatomy of the CDS Market (Working Paper, 2014), available at *http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2023108*; S. Das, M. Kalimipalli & S. Nayak, Did CDS Trading Improve the Market for Corporate Bonds?, 111 J. Fin. Econ. 495 (2014); H. Tookes, E. Boehmer & S. Chava, Related Securities and Equity Market Quality: The Cases of CDS, forthcoming, J. Fin. & Quant. Analysis.

[309] *See* Effective Date Release, at 36301–02.

selection.[310] For example, when information about the quality of a counterparty is scarce, market participants may be less willing to enter into transactions and the overall level of trading may fall. To the extent that adverse selection costs are present in security-based swap markets, market participants may become more informed and may increase their activity in security-based swaps, which may improve market quality.

To the extent that SBS market participants consider disciplinary history important in selecting security-based swap market counterparties, this registration requirement may help market participants make more informed counterparty choices. This requirement may also reduce counterparty selection of SBS Entities that have been the subject of disciplinary actions. Moreover, SBS Entities, knowing that disciplinary history must now be disclosed, may have further incentives to avoid engaging in misconduct (or may exit the market). The increased dissemination of information regarding disciplinary history may lead to improved quality-based competition among SBS Entities to the extent that market participants rely on this information in the selection process. Additionally, disciplinary history information on SBS Entities and their control affiliates may inform ongoing Commission oversight, risk assessments, and examination priorities.

ii. Statutory Disqualification

As discussed in section V.B., SBS Entities may currently be permitting disqualified persons to effect or be involved in effecting security-based swaps. Associated person certifications are designed to help ensure that associated persons subject to a statutory disqualification, who may pose a risk to counterparties and the integrity of security-based swap markets as a whole, are precluded from effecting or being involved in effecting security-based swap transactions on behalf of SBS Entities absent a Commission rule, regulation or order. The associated person requirement may offer a degree of counterparty protection, which may differ for natural persons and entities, and induce market participants to increase their transaction volume or enter the market for the first time.

The Commission has received comment urging a narrower definition of associated persons to include only natural persons, consistent with the CFTC's approach, arguing that ''business disruptions and other ramifications stemming from an entire entity being statutorily disqualified from effecting or being involved in effecting security-based swaps could be considerable.'' [311] Based on an analysis of DTCC–TIW and Form BD data, approximately three quarters of entities that are likely to trigger registration thresholds based on their dealing activity in single name CDS accounting for approximately 86% of overall U.S. CDS dealing activity in 2014 may be associating with a statutorily disqualified entity. Crucially, however, the general statutory prohibition and the requirements of final registration rules apply not to all associated entities, but only to those entities effecting or involved in effecting security-based swaps on behalf of SBS Entities. In addition, SBS Entities currently intermediating security-based swaps are frequently part of complex organizational structures, which may include hundreds of entities. While we estimate that approximately three quarters of potential registrants may be associating with a statutorily disqualified entity, the Commission lacks data or other information indicating whether associated disqualified entities are effecting or involved in effecting security-based swaps on their behalf. We are, therefore, unable to determine whether and which SBS Entities may be affected by the final registration rule implementing the general statutory prohibition. However, taking into account commenter concerns, final rules allow SBS Entities to permit disqualified associated entity persons associated with them when they file applications to register with the Commission to effect or be involved in effecting security-based swaps on their behalf if the statutory disqualification(s) occurred prior to the compliance date of final registration rules. This aspect of the final rules benefits primarily those SBS Entities that associate with disqualified entities for their security-based swap dealing and would have had to incur costs of discontinuing current associations with disqualified entities and associating with different non-disqualified entities for the purposes of security-based swap transactions. This treatment of associated persons seeks to reduce potential costs for SBS Entities.

The Commission recognizes that this exception may reduce potential counterparty benefits of a general prohibition on disqualified persons effecting or being involved in effecting security-based swaps on behalf of SBS Entities. We note that final rules require SBS Entities to provide a list of associated entities subject to statutory disqualification seeking to avail themselves of this relief, which will facilitate ongoing Commission supervision of SBS Entities, including as it pertains to disqualified entities. We also note that currently inter-dealer transactions account for over 60% of single-name CDS transactions, which reflects the central position of a small number of dealers, each of which may intermediate trades between many hundreds of counterparties. As a practical matter, SBS Entities may be able to easily reassign or disassociate from disqualified natural persons, whereas disassociating from disqualified entity persons may require significant business restructuring by SBS Entities. In light of the above considerations and of the central position of SBS Entities in security–based swap markets, this provision considers counterparty protections of the general prohibition and the risk of market disruptions.

iii. Senior Officer Certification and Nonresident Entity Certification

The Senior Officer Certification and Nonresident Entity Certification requirements facilitate the Commission's ongoing oversight of resident and nonresident SBS Entities. The Senior Officer Certification requires senior officers to certify that SBS Entities have developed and implemented written policies and procedures reasonably designed to prevent violations of federal securities laws and rules thereunder. While the substantive requirement to develop and implement policies and procedures stems from pending business conduct rules, the certification ensures senior officers have reviewed the SBS Entity's policies and procedures, which may facilitate Commission oversight of SBS Entities.

Further, to effectively fulfill its regulatory oversight responsibilities with respect to nonresident SBS Entities registered with it, the Commission must have access to those entities' records and the ability to examine them. The required certification and opinion of counsel regarding the nonresident SBS Entity's ability to provide prompt access to books and records and to be subject to onsite inspection and examination will facilitate ongoing supervision.

iv. Other Direct Benefits

SBS Entity registration will be implemented with fillable forms with a graphical user interface on the EDGAR

[310] George A. Akerlof, *The Market For ''Lemons'': Quality Uncertainty and the Market Mechanism,* 84 Q.J. Econ. 488 (1970).

[311] *See* SIFMA letter at 8.

Web site.[312] Collecting the data in a structured format will allow the Commission to make the data public in a manner that will enable users of that data to retrieve, search, and analyze the data through automated means. This format may lower costs of analyzing possible counterparty risks arising from prior misconduct and other registration information of a large group of potential counterparties. This may enable counterparties and the marketplace to expend less time and money to independently obtain and compile information on individual SBS Entities. In addition, final registration forms require SBS Entities to list UICs for both SBS Entities and for their control affiliates, if such entities have UICs. The Commission has elsewhere stated that the use of a single identifying code is designed to facilitate the performance of market analysis studies, surveillance activities, and systemic risk monitoring by relevant authorities through the streamlined presentation of security-based swap transaction data.[313] By securing information regarding SBS Entities with the use of UICs and through EDGAR Commission staff should be able to more efficiently retrieve and analyze the data it needs to effectively carry out its mission with respect to SBS Entity activities, including oversight, risk assessment, and examination priorities.

2. Indirect Benefits

The final registration rules create an SBS Entity registration regime, which facilitates the application of substantive requirements of Title VII to registered SBS Dealers and Major SBS Participants. The rules adopted in the Intermediary Definitions Adopting Release identified the dealing volume and other criteria for an SBS Entity determination. The final registration rules and forms rely on the adopted intermediary definitions and facilitate the application of Title VII requirements, such as capital and margin requirements, external business conduct rules, recordkeeping, and reporting requirements, to those entities that meet the dealing and major participant activity thresholds.

Security-based swaps are more opaque and complex products than corporate bonds or equity. While sophisticated security-based swap market participants are likely to have the ability and resources to evaluate these complex products, less sophisticated market participants may be less able to overcome informational asymmetries when transacting with SBS Entities. As discussed above, informational asymmetry can negatively affect market participation and lower the amount of trading. Final registration rules will facilitate application of the Title VII regime with resulting benefits of increasing counterparty protection, transparency and regulatory oversight of SBS Entities.

Since substantive requirements for SBS Entities have not yet been adopted, the Commission cannot currently evaluate the combined economic effects of facilitating the Title VII regime through registration. Importantly, registration requirements may ultimately impact the number of entities acting as dealers and major participants and providing liquidity to the SBS market, which may affect the programmatic benefits and costs of the substantive Title VII requirements. We note that the required certifications in the Registration rulemaking may directly affect which nonresident SBS Entities can register and be subject to the substantive requirements of Title VII (*see* Section V.E. on Efficiency, Competition and Capital Formation).

D. Costs of Registration

1. Direct Compliance Costs

As discussed in section IV above, the Commission estimates that SBS Entities would incur costs of direct compliance associated with: (i) Researching and completing the forms, (ii) reviewing, completing and submitting the required certifications, and documenting the review process, (iii) obtaining or compiling the required questionnaires or employment applications, having the CCO review the questionnaires and certify that no relevant associated person is subject to statutory disqualification, (iv) the requirements that nonresident SBS Entities obtain an agreement for U.S. service of process and an opinion of counsel stating that they can provide the Commission with access to records, and (v) the requirement to retain manually signed signature pages.[314]

The Commission estimates that filing forms SBSE would incur a cost of approximately $47,544,[315] filing forms SBSE–A would incur a cost of approximately $336,770,[316] and filing forms SBSE–BD would incur a cost of approximately $47,544.[317] The Commission further estimates that the total cost associated with the Senior Officer Certification would be approximately $666,875 for all entities.[318] The Commission estimates the combined annual cost to SBS Entities of amending their applications if they find that the information therein has become inaccurate at approximately $46,695 annually.[319]

Next, we estimate costs from associated person certifications. Section IV.D.3. of this release estimated that the total upfront burden to all SBS Entities to have their CCOs (or designees) review and sign each associated person's employment record and/or conduct whatever review may be necessary to assure that each associated natural person is not subject to statutory disqualification would be approximately 23,157 hours, which we estimate may cost up to $11,231,145 for all SBS Entities.[320] The cost of initial certifications for associated entity persons is estimated at $1,360,425.[321]

The Commission further estimates that the total initial cost for all

[312] As described in Section II.A.1., we are also developing a batch filing process utilizing the eXtensible Markup Language (''XML'') tagged data format that firms could use to upload application information to the EDGAR system should they choose to do so instead of utilizing fillable forms.

[313] *See* Regulation SBSR Adopting Release, at 14709.

[314] *See* Registration Proposing Release, 76 FR at 65813 through 65818. All hourly cost figures are based upon data from SIFMA's *Management & Professional Earnings in the Securities Industry 2013* (modified by the SEC staff to account for an 1,800-hour-work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead).

[315] This figure is calculated as follows: (Compliance manager (42 hours) at $283 per hour) × 4 SBS entities = $47,544.

[316] This figure is calculated as follows: (Compliance manager (34 hours) at $283 per hour) × 35 SBS entities = $336,770.

[317] This figure is calculated as follows: (Compliance manager (10½ hours) at $283 per hour) × 16 SBS entities = $47,544.

[318] This figure is calculated as follows: (CCO (5 hours + 20 hours) at $485 per hour) × 55 SBS Entities = $666,875. We continue to believe the pay for a CCO likely would be similar to the amount paid to other senior officers. For purposes of this estimate we assume that those a senior officer may consult with are paid at approximately the same level. *See* Registration Proposing Release 76 FR at 65816.

[319] This figure is calculated as follows: (Compliance manager (1 hour) at $283 per hour) × 3 amendments × 55 SBS Entities = $46,695.

[320] This figure is calculated as follows: (CCO at $485 per hour) × 23,157 hours = $11,231,145. For purposes of this estimate we assume that designees are paid at approximately the same level as the CCO. If CCO designees, such as attorneys, bear the brunt of the burden or are compensated at significantly lower hourly rates in some SBS Entities, this assumption may lead us to overestimate the compliance cost. We recognize that the job title of the designee, extent of delegation and related costs will vary depending on the supervisory structure and complexity of each SBS Entity. We believe it is reasonable to interpret this figure as an upper bound on the potential cost of CCO certification.

[321] This figure is estimated as follows: (CCO at $485 per hour) × 2,805 hours = $1,360,425. Similar to the initial burden calculated above, we assume that CCO designees are paid at approximately the same level as CCOs. We believe it is reasonable to interpret this figure as an upper bound on the potential cost of CCO certification.

nonresident SBS Entities to complete and file Schedule F would be approximately $9,339 [322] in addition to initial outside legal costs of approximately $550,000 estimated in Section IV.D.4. The total annual cost for all nonresident SBS Entities to amend and file Schedule F on an ongoing basis would be approximately $1,273.50 [323] in addition to outside legal costs of approximately $28,938. Lastly, the annual costs of retaining manually signed signature pages for all SBS Entities would be approximately $2,547 [324] and the total annual cost of filing the withdrawal form for all SBS Entities would be approximately $283.[325]

Therefore, the Commission estimates that total initial quantifiable cost of registration of $14,249,642 [326] and ongoing costs of $79,736.50 [327] for all SBS Entities.

2. Other Direct Costs

The final registration rules would also entail a number of indirect costs for SBS Entities. While these costs are difficult to quantify with any degree of certainty as outlined in section V.A. and are, therefore, discussed qualitatively below, we recognize that they may be as, if not more, significant than the direct costs quantified above.

i. Costs Related to the Disciplinary History Disclosure Requirement

Final registration rules require SBS Entities to disclose disciplinary history, including that of control affiliates, to the Commission. Since SBS Entity disclosures made during the registration process will be publicly available to investors, market participants will be able to easily access and compare such data for all SBS Entities. To the extent that market participants rely on disciplinary history information in counterparty choices and to the extent that market participants cannot easily observe this information for all participants (such as participants not otherwise registered with the Commission as broker-dealers or the CFTC as swap entities and for control affiliates), SBS Entities with prior disciplinary history may suffer a reputational loss and decreased customers and profits.

We have also received comment that entities with extensive control affiliates may face a higher compliance burden.[328] The commenter did not provide specific comments on the burden estimates in the Registration Proposing Release or provide any data regarding control affiliates; no such data is public or otherwise available to the Commission. Tailored registration forms are intended to reduce burdens for cross-registered entities. However, we recognize that some entities may have extensive control affiliate structures and, therefore, face a higher compliance burden. If such control affiliates have adverse disciplinary histories, some SBS Entities may also face greater reputational costs of making affiliate disciplinary history information public.

Should certain entities choose to restructure their dealing in order to avoid SBS Entity registration and the requirement to provide disciplinary history information, they would incur costs of forgone profits that stem from having to reduce transaction volume from current levels to levels below the de minimis threshold, and/or costs of moving their security-based swap dealing abroad and outside of the reach of Title VII requirements that include registration. In short, we expect that SBS Entities affected by the disciplinary history requirement will trade off the costs of disclosure with the costs of restructuring, including opportunity costs of lost transaction volume. If certain SBS Entities choose to exit, security-based swap transactions and dealing may become more concentrated. Further, such public disclosure may deter SBS Entities that have significant disciplinary histories from entering the market. However, security-based swap transactions may become concentrated among regulated entities with less severe disciplinary history, which may be less likely to pose risk to counterparties.

ii. Costs Related to Certifications

Final rules include a certification that a senior officer, after due inquiry, has reasonably determined that an SBS Entity has developed and implemented written policies and procedures reasonably designed to prevent violations of federal securities laws and rules thereunder, and that the senior officer has documented the process by which he or she reached such determination. Final rules also include a certification regarding statutorily disqualified associated persons. In addition to the direct burden estimated in Section V.D.1 above, we recognize that the certifications will increase senior officer liability risk and may lead SBS Entities to acquire additional insurance coverage. It is possible, therefore, that the certification requirements may result in liability insurance costs that are above what they would have been in the absence of the rule. The Commission is unable to estimate these costs given that it lacks specific information regarding current insurance costs for SBS Entities, the amount of the demand that there will be for increased coverage, and thereby the potential increases associated with the rule.

In addition to liability insurance costs, certification requirements may affect the structure and levels of senior officer compensation. While the level and structure of a senior officer's pay package generally depends on factors such as the level of risk inherent in the entity's activities, the entity's growth prospects, and the scarcity and specificity of senior officer talent needed by the entity, it may also reflect personal preferences influenced by characteristics of the senior officer, including aversion to risk. In particular, risk aversion may lead senior officers to prefer pay packages with predictable payments, rather incentive-based compensation or pay packages that otherwise reflect underlying uncertainty.[329]

For senior officers with established compensation packages, heightened liability risk may create an incentive to negotiate changes to the composition of their compensation packages. Because of the increased uncertainty arising from liability risk, risk-averse officers may lower the value that they attach to the

[322] This figure is estimated as follows: (Compliance manager at $283 per hour) × 1½ hours × 22 SBS Entities = $9,339.

[323] This figure is estimated as follows: ((Compliance manager at $283 per hour) × 1½ hours × 2 SBS Entities to amend for changes to agent for service of process) + ((Compliance manager at $283 per hour) × 1½ hours × 1 SBS Entities to amend for changes in foreign law) = $1,273.50.

[324] This figure is estimated as follows: (Compliance manager at $283 per hour) × (10 minutes × 55 SBS Entities)/60 minutes = $283 * approximately 9 hours = $2,547.

[325] This figure is estimated as follows: (Compliance manager at $283 per hour) × 1 hour = $283.

[326] This figure is estimated as follows: (Cost of filing forms SBSE, SBSE–A, SBSE–BD ($47,544 + $336,770 + $47,544)) + (Cost of Senior Officer Certification on form SBSE–C ($666,875)) + (Cost of associated person certifications on form SBSE–C ($11,231,145 + $1,360,425)) + (Cost of nonresidents filing Schedule F ($9,339)) + Cost of outside counsel ($550,000)) = $14,249,642.

[327] This figure is estimated as follows: (Amending application forms ($46,695)) + (Amending Schedule F (1,273.50)) + (Opinion of counsel and agent for service of process ($25,000+$3,938)) + (Retaining manually signed pages ($2,547)) + (Filing withdrawal form ($283)) = $79,736.50.

[328] *See* SIFMA Letter, at 4.

[329] Executives typically have personal preferences regarding the form of compensation received. To the extent that executives have different levels of risk aversion, they can arrive at different personal valuations of the same performance-based compensation package. Hence, more risk-averse executives may require additional compensation when paid in the form of less certain performance-based compensation

incentive-based component of their pay and may as a result demand an offset to bear the increased uncertainty. The offset could come in the form of a smaller portion of pay being comprised of incentive-based compensation, or through an increase in expected total compensation, which would come at a greater cost to SBS Entities. The extent of any such increase would depend on the structure and conditions of the labor market for senior officers in SBS Entities as well as other economic factors, including the negotiating environment and particular preferences of senior officers, which will likely vary among SBS Entities and are difficult to quantify with any degree of certainty.

iii. Costs Related to the Associated Person Requirements

The associated person certification requires SBS Entities to certify that their associated persons, which include natural persons and legal entities, effecting or involved in effecting security-based swaps on their behalf are not subject to statutory disqualification. As we have noted in sections V.B and V.C.1.ii, Exchange Act Section 15F(b)(6) generally prohibits SBS Entities from permitting statutorily disqualified associated persons to effect or be involved in effecting security-based swaps on their behalf; however, the Commission has granted temporary relief from the prohibition.

All SBS entities will incur direct compliance costs of making the certification required in these final rules in section V.D.1 and V.D.2.ii. SBS Entities that are associating with disqualified persons for the purposes of effecting or being involved in effecting security-based swaps will also incur costs of disassociating with or reassigning such disqualified persons, as well as costs of associating with new persons not subject to disqualification for the purposes of effecting or being involved in effecting security-based swaps.

Importantly, final rules allow SBS Entities, when registering with the Commission, to permit associated disqualified entity persons to effect security based swaps, provided that the disqualification has occurred prior to the compliance date of registration rules. This exception is aimed at mitigating possible business disruptions [330] for SBS Entities which may currently be associating with disqualified entities with potential follow-on effects for security based swap markets as a whole. The Commission recognizes that permitting some associated persons that are entities to effect or be involved in effecting security-based swaps on behalf of SBS Entities may pose risks of repeated misconduct and other violations. As discussed in section II.B.i, the Commission retains full enforcement authority with respect to such associated entity persons, and would be able to take action against entities and individuals based on violative conduct. Lastly, current market conditions reflect the state of the world with temporary blanket relief from the general prohibition on associated disqualified persons effecting or being involved in effecting security-based swaps on behalf of SBS Entities. Relative to that scenario, final registration rules implement the general statutory prohibition while providing limited relief to SBS Entities, when registering with the Commission, if associated entity persons were disqualified prior to the compliance date of the final rules.

In addition to these considerations, we received comment that some SBS Entities may be unable to perform employee background checks necessary to ascertain statutory disqualification status of persons located in some foreign jurisdictions.[331] If some SBS entities associate with persons in jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers for the purposes of effecting security-based swaps, they may be unable to obtain requisite employee personally identifiable information in order to perform the statutory disqualification check, make the certification, and register as SBS Entities, or provide information to the SEC. The statutory disqualification requirement may, therefore, impose costs on such entities, requiring them to use other employees to effect their security-based swap transactions, to withdraw associated persons from the reach of jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers, or decrease U.S. security-based swap volume below the thresholds. The Commission does not, among other things, have data on the locations of SBS Entity employees effecting security-based swaps in various foreign jurisdictions, their statutory disqualification status, the relative expertise of SBS Entities' employees outside these foreign jurisdictions, or profitability of current dealing activity at volumes in excess of the thresholds. We are, therefore, unable to quantitatively estimate the number of SBS Entities that may be affected or their costs of using other persons, relocating associated persons outside of these foreign jurisdictions or decreasing activity below the thresholds. The commenter did not provide any data to quantify the effects of possible conflicts with blocking laws, privacy laws, secrecy laws and other legal barriers as they pertain to employee questionnaires and a statutory disqualification determination, and such data are not otherwise publicly available. Based on FINRA's experience with low incidence of disqualification review applications by broker dealers seeking to associate with disqualified natural persons, we believe that, as a practical matter, SBS Entities may frequently be able to reassign or disassociate from disqualified employees. The Commission is not adopting an exception for natural persons at this time.

The Commission has received comment that implementing the statutory prohibition on disqualified persons effecting or involved in effecting security-based swaps absent a Commission rule or order may cause business disruptions.[332] The commenter did not provide data on the number of associated persons that may be affected or the extent of potential business disruptions. Based on somewhat analogous data from the NFA and FINRA, the Commission estimates that, on an annual basis, fewer than five SBS Entities would seek relief for natural persons subject to statutory disqualification to effect or be involved in effecting security-based swaps and fewer than two SBS Entities would seek relief for disqualified associated entities.[333] Registration rules also

[330] *See* SIFMA letter at 8.

[331] *See* IIB Letter, at 19.

[332] *See* SIFMA letter, at 8.

[333] While the incidence of statutory disqualification is difficult to quantify, we draw on data concerning an analogous statutory disqualification review process for broker-dealers. In 2014, FINRA received 24 MC–400 applications for natural persons and 10 MC–400A applications for entities. In total, FINRA has received 177 MC–400 and 63 MC–400A applications during the same five year period (2010–2014). FINRA currently oversees approximately 4,000 currently registered broker-dealers and 272,000 registered representatives. As discussed earlier, the Commission anticipates 55 SBS Entities may register with the Commission with 423 associated persons per entity (23,265 associated persons in total). Therefore, we expect significantly fewer applications in security-based swap markets.

Another somewhat analogous scenario is swap dealer statutory disqualification. According to NFA staff, between October 11, 2012 and July 22, 2015, 11 applications had been made by Swap Entities to the NFA for the NFA to provide notice to the Swap Entity that, had the person applied for registration as an associated person, the NFA would have granted such registration. *See* CFTC staff No-Action Letter No. 12–15, *http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/12-15.pdf*, at 5–8. The Commission has estimated that up to

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provide relief to SBS Entities, when registering with the Commission, associating with disqualified entities for the purpose of effecting security-based swaps if disqualification occurred prior to the compliance date of registration rules. We note that, as a practical matter, SBS Entities may be easily able to reassign or disassociate from disqualified natural persons, and SBS Entities currently intermediating large volumes of security-based swaps would be able to take advantage of the exception above. Finally, SBS Entities seeking to associate with disqualified persons may apply to the Commission for relief under Exchange Act Section 15F(b)(6).

iv. Costs for Nonresident SBS Entities

Under the final rules, nonresident SBS Entities will have to provide an opinion of counsel that they can, as a matter of law, provide the Commission with prompt access to books and records and submit to onsite inspection, and certify that, as a matter of law, they can and will provide prompt access to books and records for the purposes of facilitating Commission oversight, inspections and examinations. As recognized in the Registration Proposing Release and discussed by commenters, blocking laws, privacy laws, secrecy laws and other legal barriers in some foreign jurisdictions may make such certification and, hence, SBS Entity registration impossible for some nonresident SBS Entities.[334]

Nonresident SBS Entities precluded from registration due to blocking laws, privacy laws, secrecy laws and other legal barriers will bear the cost of lowering or restructuring their market activity below the SBS Dealer and Major SBS Participant annual thresholds that trigger registration requirements. Alternatively, nonresident SBS Entities that are unable to make the books and records certification may be able to relocate or otherwise restructure, such that they are no longer subject to foreign blocking laws, privacy laws, secrecy laws and other legal barriers that are not consistent with the required certification, and therefore continue U.S. security-based swap dealing in excess of the thresholds triggering registration requirements. The cost of the books and records certification to nonresident SBS Entities would thus include the costs of such potential relocation or restructuring, which depend on the legal and regulatory frameworks in various foreign jurisdictions and the organizational complexity of entities that may seek SBS Entity registration, including those currently unregistered with the Commission.

Based on internal analysis of TIW data, as well as a review of CFTC staff no action letters, the Commission estimates that nonresident U.S. persons unable to make the books and records certification and register as SBS Entities currently account for approximately 18% of overall security-based swap dealing activity.[335] The anticipated implications of this registration requirement for efficiency, competition and capital formation are discussed in Section V.E.

3. Indirect Costs

As discussed in Sections V.A. and V.C.2. above, final registration rules create a population of SBS Entity registrants with activity and position volumes determined in the adopted intermediary definitions, which will be subject to ongoing Commission oversight and pending substantive Title VII requirements, including capital and margin, external business conduct, recordkeeping and reporting requirements. Entities choosing to register with the Commission as SBS Entities will incur the costs of compliance with substantive rules, as well as costs relating to Commission inspections and examinations. While the costs of pending Title VII rules will be evaluated in each substantive rulemaking, the Commission recognizes that registration facilitates the application of the substantive rules to SBS Entities and therefore SBS Entities registering with the Commission will incur additional costs related to other Title VII rules.

E. Effects on Efficiency, Competition and Capital Formation

Final registration rules may impose a burden on competition for smaller SBS Entities to the extent that they impose relatively fixed costs, which could represent a higher percentage of net income for smaller SBS Entities. However, registration costs may impact SBS Entities already registered as broker dealers with the Commission or swap entities with the CFTC to a lesser degree because we have accommodated cross-registered entities by providing separate and tailored forms that minimize duplicate disclosures. Indeed, based on an analysis of TIW data and the current population of registered broker dealers, swap dealers, and OTC derivative dealers, of the fifty SBS Dealers and up to five Major SBS Participants that may seek to register with the Commission as SBS Entities, we anticipate that up to four will not have already registered as broker dealers or as swap dealers.[336] Our assessment is that all other registrants will be able to take advantage of the streamlined registration forms SBSE–A and SBSE–BD.

Beyond the cost of completing and submitting registration forms, some SBS Entities may be unable or unwilling to make the senior officer, associated person, books and records certifications and disciplinary history disclosures, and those SBS Entities could consider exiting the U.S. SBS market. We do not believe that the direct registration costs quantified in section V.D.1 would be high enough to materially affect the application for registration or prompt large scale exit by SBS Entities. However, reputational costs and direct burdens of disciplinary history disclosures, including those affecting control affiliates, books and records requirements and certifications for nonresident SBS Entities, and statutory disqualification requirements may impose significant and, possibly,

55 SBS Entities may seek registration, while the CFTC has provisionally registered 112 Swap Entities (*https://www.nfa.futures.org/NFA-swaps-information/regulatory-info-sd-and-msp/SD-MSP-registry.HTML*; last accessed July 24, 2015). Using the above data from the NFA concerning 11 applications over approximately 2.78 years, results in an estimate of approximately 2 applications per year (11*55/112)/2.78~=1.94).

The Commission, however, recognizes that the number of applications received by the NFA may only present a partial picture of the potential impact of a disqualification because, *inter alia*, (1) the CFTC defines ''associated person'' of a Swap Entity to be limited solely to natural persons, not entities (*see* 17 CFR 1.3(aa)(6)); (2) in CFTC Regulation 23.22(b), 17 CFR 23.22(b), the CFTC provided an exception from the prohibition set forth in CEA Section 4s(b)(6), 7 U.S.C. 6s(b)(6), for any person subject to a statutory disqualification who is already listed as a principal, registered as an associated person of another CFTC registrant, or registered as a floor broker or floor trader.

[334] *See* Registration Proposing Release, at 65800. *Also see, e.g.*, SIFMA Letter, at 9–10, and IIB Letter, at 19.

[335] More specifically, since we expect a large number of U.S. SBS Entities will have cross-registered as Swap Entities, we considered foreign jurisdictions where CFTC staff provided no-action relief for trade repository reporting requirements as they apply to swap dealers (available at *http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/15-01.pdf*) *to inform our analysis.* These no-action letters identify a set of ''Enumerated Jurisdictions'' where blocking laws, privacy laws, secrecy laws and other legal barriers may inhibit compliance with regulatory requirements. We then matched the ''Enumerated Jurisdictions'' to the domicile classifications in the set of the 55 entities we anticipate will register as SBS Entities to identify the subset of affected entities. We estimate that this subset currently accounts for approximately 18% of overall dealing activity. This estimate is based on current market activity and could differ if affected nonresident SBS Entities seeking registration with the Commission are able to change their residency before the compliance date of final registration rules.

[336] *See also* Registration Proposing Release, at 65808.

prohibitive costs on some SBS Entities. Such costs could lead to fewer intermediaries competing for security-based swap business in the U.S. market. At the same time, mitigating this potential impact, these requirements may offer a degree of counterparty protection and enable market participants to make more informed counterparty choices, potentially leading to increases in market participation and liquidity in security-based swaps.

While programmatic costs and benefits of the substantive Title VII requirements will be assessed in each of the substantive rulemakings, we recognize that some SBS Entities may determine the registration requirements, substantive requirements and transparency of the Title VII regime are not cost-effective for them, and may withdraw from U.S. security-based swap markets or lower their dealing activity below the minimum thresholds which trigger registration.

Some SBS entities outside of foreign jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers may associate with persons in jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers for the purposes of effecting security-based swaps. Affected SBS Entities may be unable to perform background checks necessary to ascertain statutory disqualification status of associated persons located in these foreign jurisdictions. Should affected SBS Entities choose not to use other employees or entities to effect their security-based swap transactions or to withdraw associated persons from certain foreign jurisdictions, they may decrease U.S. security-based swap volume below the thresholds. This requirement may, therefore, preclude some SBS Entities from registering and place affected SBS Entities at a competitive disadvantage. Furthermore, depending on the specificity and scarcity of skills necessary to profitably effect security-based swaps, entities affected by foreign jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers may choose to associate with different personnel for the purposes of effecting security-based swaps.

As indicated by commenters,[337] some nonresident SBS Entities meeting registration thresholds may be unable to satisfy the access to records requirement due to blocking laws, privacy laws, secrecy laws and other legal barriers. The unavailability of substituted compliance with respect to registration of SBS Entities, the requirement to provide an opinion of counsel indicating that the entity can, as a matter of law, provide the Commission with prompt access to its books and records, and the requirement to certify that the entity can and will provide the Commission with prompt access to its books and records may have competitive effects. In particular, foreign SBS Entities from certain jurisdictions may be forced to withdraw from U.S. security-based swap markets or decrease their security-based swap market participation below the threshold levels if laws or other barriers in their local jurisdictions preclude them from complying with Title VII registration requirements, which may lead to differential market access and create competitive disadvantages for some non-resident SBS Entities.

As discussed above, the Commission estimates that SBS Entities with up to 18% market share may be affected by the books and records requirement in foreign jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers. The feasibility and costs of potential organizational restructuring—relocating, spinning off or in other ways severing an affiliation with a subsidiary, such that they are no longer subject to these foreign laws and other barriers and can make the books and records certification—are unclear. Due to the high concentration of dealing activity in security-based swap markets among large entities, the potential decrease in volume by affected SBS Entities may be significant. Potential withdrawal of affected SBS Entities from U.S. security-based swap markets may increase the market share and pricing power of remaining SBS Entities, which may result in higher costs of risk mitigation through security-based swaps for firms and market participants. If SBS Entities meeting registration thresholds are precluded from registration due to conflicts with foreign blocking laws, privacy laws, secrecy laws and other legal barriers, the total volume of trading and liquidity in security-based swap markets may decrease, which may be accompanied by lower price discovery and informational efficiency in security-based swap markets, as well as higher transaction costs for customers of dealers. However, SBS Entities currently participating in U.S. security-based swap market with lower transaction volumes may be able to capture the newly opened market share. Further, the newly available market share may encourage new entry. Thus, the overall effects of the books and records and associated person certification requirements on U.S. security-based swap market competition are unclear, and depend on whether affected volume is captured by existing dealers with large market share, existing dealers with small market share, or new entrants.

As discussed above, in adopting these final rules, we are required to consider, in addition to competition, the impact of these rules on efficiency and capital formation. In many respects, the effect of these rules on efficiency and capital formation are expected to flow from their effects on competition. For example, markets that are competitive, with equal access by financial intermediaries to swaps, security-based swaps, and underlying reference securities, promote informational efficiencies, increased hedging opportunities, and therefore the efficient allocation of capital. In evaluating the economic effects of our rules, we have been mindful of the close relationship between single-name and index CDS contracts, as well as the linkages between security-based swaps and their underlying reference securities. Rules that facilitate access to CFTC-regulated and SEC-regulated swap and security-based swap markets should increase hedging opportunities for financial market intermediaries; such hedging opportunities reduce risks and allow intermediaries to facilitate a greater volume of financing activities, including issuance of equity and debt securities, and therefore contribute to capital formation.

This may be particularly true in underlying securities markets, where potential pricing and liquidity effects in security-based swap markets may feed back and impact the market for reference entity securities. Security-based swap markets may enable better risk mitigation by investors in underlying reference securities, such as CDS hedging of credit risk of corporate bond investments. The possible contraction in security-based swap market participation by affected SBS Entities in or associating with persons in jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers may adversely impact underlying reference security markets, including pricing and liquidity in corporate bond markets. This may have a negative effect on the ability of firms to raise debt capital in order to finance real investment. However, the spillover from deterioration in security-based swap markets into underlying reference security markets may also be positive.

[337] *See* letters from SIFMA, Futures Industry Association, and The Financial Services Roundtable Letter; Institute of International Bankers Letter; European Commission Letter.

Sophisticated institutional investors transact across CDS and bond markets to trade on information pertaining to the credit risk of underlying reference debt. A potential negative shock to security-based swap market liquidity and dealing by nonresident SBS Entities may, in fact, drive sophisticated institutions to search for liquidity pools and lower price impact of informed trades to reference security markets.[338] If institutions begin to trade more actively in underlying reference security markets, such as corporate bond markets as a result, there may be positive effects on liquidity and informational efficiency of corporate bond markets. This may enable firms to raise more debt at potentially lower costs to finance real investment.[339] However, to the extent that potential exit of SBS Entities due to foreign blocking laws, privacy laws, secrecy laws and other legal barriers and registration requirements creates opportunities for SBS Entities with smaller market share to capture more volume or opens up the opportunity for new entry, effects on security-based swap and reference security markets may differ from the scenario above.

Finally, as noted above, we estimate that entities in foreign jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers currently account for 18% of security-based swap transaction activity, and the inability of these entities to make the required books and records certifications can potentially impose significant burdens on either the security-based swap market or certain participants. In crafting our final rules, we have attempted to minimize business disruptions and competitive burdens where possible. As we have discussed above, the Commission's inspection and examination authority is vital to proper oversight of SBS Dealers and Major SBS Participants, and any limitation on oversight of non-U.S. registered SBS entities would raise significant challenges to the Commission's effective regulation of these firms. Given our Exchange Act mandate to ensure the maintenance of fair, orderly, and efficient markets, and given our belief that examination authority and access to books and records is essential to enabling effective market oversight, the Commission believes that any burden on competition that results from the provisions in this rule is necessary and appropriate in furtherance of the purposes of the Exchange Act and thus consistent with Exchange Act Section 23(a)(2).

F. Registration Rule Alternatives

1. Associated Person Certification Requirement

The Commission has evaluated alternatives to the associated person certification requirement, including narrowing the definition of associated persons to natural persons similar to the CFTC's approach. This alternative involves interpreting the prohibition under Exchange Act Section 15F(b)(6) to apply only to natural persons and providing blanket relief allowing SBS Entities to associate with disqualified persons that are not natural persons regardless of the nature or timing of disqualification, or any other factors. Under this alternative, treatment of associated entities would be identical for SBS Entities dually-registered with the CFTC, creating potential economies of scope for dual registrants in associating with persons that are entities. Further, this approach could eliminate associated person certification costs and barriers to entry for SBS Entities associating with disqualified entities. However, the Commission would not be able to prohibit those disqualified entities that pose a risk to counterparties and integrity of security-based swap markets from effecting or being involved in effecting security-based swaps on behalf of SBS Entities. Further, statutory disqualification and an inability to continue associating with SBS Entities creates a disincentive against underlying misconduct for associated persons, and a blanket exception for disqualified associated persons that are entities may reduce the disincentive against misconduct. These effects could reduce the counterparty protection benefits of the associated person certification and may pose a risk to market participants.

The Commission is adopting an approach which permits SBS Entities, when registering with the Commission, to associate with disqualified entity persons if the conduct that gave rise to disqualification occurred prior to the compliance date of registration. Similar to the approach discussed above, this aspect of the final rules mitigates the risk of potential market disruptions from SBS Entities being unable to register due to associations with disqualified entities around the compliance date of final registration rules. The Commission also retains flexibility to grant relief for SBS Entities associating with disqualified entities under Exchange Act Section 15F(b)(6).

The Commission also considered applying the statutory disqualification prohibition on a transaction level and limiting its application to associated persons conducting activity with U.S. person counterparties on behalf of U.S. SBS Entities. This alternative would effectively remove the associated person prohibition for foreign associated persons that engage in activity outside of the U.S. It would lower direct costs of the associated person certification, particularly for those SBS Entities which extensively associate with foreign associated persons. Further, it could lower potential barriers to registration of SBS Entities associating with persons in foreign jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers, which may preclude background checks for foreign persons.[340] Like other relief or exceptions from the prohibition this approach would lead to a greater number of disqualified persons being permitted to effect or be involved in effecting security-based swaps on behalf of U.S. SBS Entities outside of the U.S., diluting the positive signal of registration as a U.S. SBS Entity and related counterparty protections. SBS Entities engage in extensive cross-border activity and any counterparty risks to foreign counterparties of U.S. SBS Entities from foreign disqualified associated persons may spill over into trading and pricing with U.S. market participants. The Commission lacks data to support or quantify the effects of possible conflicts with foreign blocking laws, privacy laws, secrecy laws and other legal barriers as they pertain to employee questionnaires and a statutory disqualification determination. We do not have data about the location and statutory disqualification status of SBS Entity associated persons, as well as transaction level detail on the nature of their activities, in order to evaluate the possible costs and benefits of this alternative relative to the baseline as well as relative to the requirements in the final rules. Such data is also not available to the public. In light of the above considerations and the Commission's risk interest from foreign disqualified associated persons transacting on behalf of US SBS Entities, it is unclear that the overall economic effects of this alternative are more positive than those of the final rules being adopted. Final rules implement a general statutory prohibition on disqualification, while providing relief for certain SBS Entities associating with

[338] Some SBS Entities may also move their security-based swap transactions to foreign SBS markets with potential implications for foreign reference security markets. Also see Section V.B.3 on cross-market participation.

[339] *See* Section V.B.3 above.

[340] *See* IIB letter, at 20.

disqualified entities. We further note that should some SBS Entities become precluded from registration or incur high costs as a result, for instance, of foreign person associations, affected SBS Entities could request relief from the Commission under Exchange Act Section 15F(b)(6).

Another commenter proposed limiting ''the scope of who is considered to be an associated person effecting or involved in effecting security-based swaps.'' [341] The commenter proposed that the Commission more narrowly define the relevant terms, for instance to align with the CFTC's proposed definition that limits the term to persons involved in the solicitation or acceptance of security-based swaps, or the supervision of any person or persons so engaged, or that the Commission exercise its statutory authority to grant exceptions from the statutory prohibition in Exchange Act Section 15F(b)(6). This alternative would decrease the scope of disqualified persons, resulting in lower costs for and offering greater flexibility to potential SBS Entity registrants, reducing barriers to entry and potentially increasing competition among SBS Entities. However, since a greater number of disqualified persons would be permitted to associate with SBS Entities in security-based swap markets, these alternatives may increase risks of fraud and other misconduct. If, for instance, persons involved in structuring security-based swaps, facilitating execution or handling customer funds and securities are excepted from the requirement, counterparty protection benefits of the statutory disqualification provision may be reduced. The Commission is providing relief for SBS Entities, when registering with the Commission, associated with disqualified entity persons if the statutory disqualification occurred prior to the compliance date of final registration rules. SBS Entities also may request relief from the Commission under Exchange Act 15F(b)(6).

2. Licensing, Control Affiliates and CCO Certification Regarding Associated Persons

The Commission also considered alternatives to the CCO Certification Requirement. One alternative is to establish a licensing and examination regime to investigate associated persons before permitting them to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.[342] Such a regime may increase the level of screening of persons effecting security-based swaps at SBS Entities, potentially reducing risks to market participants and counterparties and establishing a minimum level of competence for associated persons. However, SBS Entities may be able to independently evaluate whether associated persons have necessary knowledge, skill and qualifications to price, arrange and execute security-based swap transactions. Given the extent of market integration, and since we expect a majority of SBS Entities will have already registered with the CFTC as swap entities, consistency in the regulatory treatment of swap and security-based swap entities is another important consideration. Specifically, the NFA waives examination requirements for associated persons whose activities are limited to swaps.[343] Further, as discussed above, SBS Entities are not required to be members of SROs, which administer similar exams for brokers, futures professionals etc. In light of the above considerations, Commission objectives in registering and overseeing SBS Entities delineated in Section II, and constraints on SRO oversight of SBS Entities, at present time the Commission does not believe that cost and benefit considerations of this alternative are superior to the approach being adopted.

The requirement to provide information on the disciplinary matters affecting control affiliates may impose significant burdens on registrants.[344] The Commission has examined the alternative of narrowing the requirement to exclude control affiliates, which would decrease the overall compliance burdens on applicants, potentially increasing incentives to register and marginally lowering a barrier to entry by SBS Entities with a large number of control affiliates. We note that the tailored registration forms we are adopting are designed to reduce burdens for those entities that have already registered with the CFTC as swap entities or with the Commission as broker dealers. Further, if applicants have control affiliates with a history of misconduct that they are not required to disclose to the Commission, the Commission's ability to perform risk assessment and market oversight duties may be affected, particularly in light of the high complexity of SBS Entity dealing structures. The Commission believes that disciplinary information about control affiliates is essential to ongoing supervision of SBS Entities. Further, making such disclosures public may enhance the ability of market participants to assess potential counterparty risks, particularly when dealing with SBS Entities with highly complex organizational forms, and make more informed counterparty choices.

We have also considered the costs and benefits of alternatives of a pre-registration review performed by the Commission or an independent external audit of each SBS Entity as part of the registration process.[345] A pre-registration review by the Commission or a third party independent audit could result in greater scrutiny of SBS Entities before they are permitted to transact in security-based swap markets in excess of the thresholds triggering registration requirements, potentially increasing counterparty protections and positive signaling benefits of registration as an SBS Entity. It would also be consistent with the CFTC's approach to registration of swap dealers and major swap participants. However, the CFTC was able to leverage its existing registration processes and forms, including a pre-registration review by NFA, by requiring swap entities to become members of the NFA,[346] whereas the Exchange Act Sections 15A(a) and 3(a)(3)(B) generally limit the membership of national securities associations to brokers and dealers. Final registration rules create a registration process through which the Commission will review applicant documents and information provided in the forms and may request follow-up information from applicants based on initial assessment of applications. At this time it is unclear that, in the context of a highly concentrated market in US security-based swaps with a central role of a small number of SBS Entities, the overall economic effects of requiring extensive pre-registration reviews are more beneficial than the registration process being adopted by the Commission.

The Commission proposed requiring registering entities to certify that they have operational, financial and compliance capabilities to act as SBS Entities. The Commission has considered commenter [347] concerns that the language of the proposed certification is unduly burdensome and insufficiently explicit. The commenters claimed that the requirement was burdensome due to a lack of clarity

[341] *See* SIFMA Letter, at 8.

[342] *See* Better Markets Letter, at 7.

[343] *See* NFA Registration Proficiency Requirements: *https://www.nfa.futures.org/nfa-registration/proficiency-requirements.html*, accessed 05/12/2015.

[344] *See* SIFMA Letter, at 4.

[345] *See* 2011 Better Markets Letter, at 3.

[346] *See supra*, foonote 46. S*ee also supra*, footnote 7.

[347] *See, e.g.*, SIFMA Letter, at 5–7; 2011 Better Markets Letter, at 5–6.

regarding substantive Title VII rules and their impact on the certification, and that there was not an explicit list of factors to be taken into account to determine each capability. The Commission has been persuaded that the ''policies and procedures'' certification we are adopting is reasonably designed to provide assurances that each SBS Entity has put in place a framework to enable it to operate in compliance with the applicable laws, rules and regulations. Further, we believe it is more concrete and understandable than the certification that was proposed,[348] and avoids uncertainty about potential definitions of capabilities and how they may be impacted by pending substantive Title VII rules. The Commission is adopting a requirement for a senior officer to certify that, after due inquiry, he or she has reasonably determined that the applicant has established, and maintains and reviews, policies and procedures reasonably designed to prevent violation of federal securities laws and rules thereunder, and that he or she has documented the process by which he or she reached such determination. The Commission expects this certification will be easier to implement and mitigates commenter concerns about undue burdens on registrants, while providing sufficient assurance that SBS Entities will be able to comply with securities laws and rules thereunder.

3. Requirements on Nonresidents

The Commission has considered registration costs imposed on nonresident entities, particularly as they pertain to the books and records certification and the opinion of counsel,[349] the alternative of substituted compliance with respect to registration requirements, and possible removal of the books and records certification requirement for nonresident SBS Entities. These alternatives would eliminate nonresident SBS Entity cost of obtaining an opinion of counsel as well as potential costs of restructuring security-based swap dealing such that these entities are no longer exceeding registration dealing thresholds. As a result, SBS Entities from jurisdictions with blocking laws, privacy laws, secrecy laws and other legal barriers, which we estimate may currently execute approximately 18% of SBS Dealing, would enjoy equal market access. However, these alternatives may preclude the Commission from accessing books and records of some registered entities, and impede the ability of the Commission to inspect and examine SBS Entities that it is overseeing and to conduct ongoing market surveillance and risk assessments. Further, these alternatives would introduce a disparity between nonresident SBS Entities in some foreign jurisdictions and all other SBS Entities with respect to their ability to submit to Commission inspections and examinations. Commission staff regularly access books and records in the Commission's oversight of registered entities for purposes of improving compliance, preserving market integrity, fraud prevention and ongoing risk assessments. The Commission's ability to examine entities subject to its oversight facilitates identification of compliance deficiencies and potential enforcement actions for securities law violations, as well as counterparty protection. Thus we are not adopting this alternative.

In formulating these final registration rules, we are sensitive to global regulatory efforts in OTC derivative markets. Due to the extensive cross-border activity by U.S. SBS Entities and nonresident SBS Dealers across jurisdictions, global regulation of swaps markets and, particularly, substantive requirements for swap market participants, are likely to have an effect on incentives to register with the Commission as SBS Entities. Jurisdictions with major OTC derivatives markets have taken steps toward substantive regulation of these markets, though the pace of regulation varies. Accordingly, many foreign participants likely will face substantive regulation of their security-based swap activities that may address concerns similar to those addressed by the Title VII regulatory framework. While the costs, benefits and economic effects of substantive rulemakings under Title VII will be evaluated in a global regulatory landscape in pending rules, we recognize that regulatory harmonization across countries, whenever feasible, may enhance competition, facilitate price discovery and trading across these markets, as well as prevent market frictions and persistent mispricing across countries. Absent a substituted compliance regime for registration,[350] the books and records requirement for nonresident SBS Entities may preclude some foreign SBS Entities from registering with the Commission as discussed in Section V.E above. This may lead to market fragmentation with potential adverse effects on competition, price, informational efficiency and liquidity. However, the Commission continues to believe that its ability to inspect books and records and examine SBS Entities is integral to ongoing oversight of security-based swap markets.

4. Other Considerations

Finally, the Commission received comment concerning potential adverse effects of the electronic method of filing through EDGAR.[351] This commenter suggested that the Commission should provide at least six months between the adoption of final rules and the effective date of the registration requirement to allow for resolution of these types of issues. Electronic filing of data in a structured format facilitates Commission supervision and public dissemination of disclosures to market participants, improving transparency in security-based swap markets. The commenter indicated that the rule may impose a barrier to registration by entities if their computer systems cannot access the EDGAR system because of incompatible security protocols or technology. The commenter did not provide any cost estimates and the Commission has no information about potential deficiencies in SBS Entity technological and IT capabilities that would preclude registration. In an opaque and rapidly evolving market, electronic filing of disclosures as structured data has the benefit of streamlining analysis and aggregation across time, participants, instrument types and other important dimensions. We seek to minimize initial and ongoing compliance costs through the implementation of final registration rules, which will include an interactive form structured by the Commission, which will be submitted directly to EDGAR. Further, given the extended compliance date for these rules, we believe firms will have sufficient time to work out any technological issues associated with filing registration forms through the Commission's EDGAR system.

VI. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (''RFA'') [352] requires Federal agencies, in promulgating rules, to consider the impact of those rules on small entities. The Commission certified in the Registration Proposing Release, pursuant to Section 605(b) of the

[348] *See supra*, footnote 33.

[349] *See* letters from: SIFMA, the Futures Industry Association, and the Financial Services Roundtable; the Institute of International Bankers; the European Commission, all dated August 21, 2013.

[350] *See* IIF Letter, at 3–4.

[351] *See* SIFMA Letter, at 3.

[352] 5 U.S.C. 601 *et seq.*

RFA,[353] that proposed Rules 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–C, SBSE–BD, and SBSE–W would not, if adopted, have a significant economic impact on a substantial number of ''small entities.'' [354] The Commission received no comments on this certification.

For purposes of Commission rulemaking in connection with the RFA, a small entity includes: (i) When used with reference to an ''issuer'' or a ''person,'' other than an investment company, an ''issuer'' or ''person'' that, on the last day of its most recent fiscal year, had total assets of $5 million or less; [355] or (ii) a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a-5(d) under the Exchange Act,[356] or, if not required to file such statements, a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the last day of the preceding fiscal year (or in the time that it has been in business, if shorter); and is not affiliated with any person (other than a natural person) that is not a small business or small organization.[357] Under the standards adopted by the Small Business Administration, small entities in the finance and insurance industry include the following: (i) For entities in credit intermediation and related activities,[358] entities with $550 million or less in assets or, (ii) for non-depository credit intermediation and certain other activities,[359] $38.5 million or less in annual receipts; (iii) for entities in financial investments and related activities,[360] entities with $38.5 million or less in annual receipts; (iv) for insurance carriers and entities in related activities,[361] entities with $38.5 million or less in annual receipts, or 1,500 employees for direct property and casualty insurance carriers; and (v) for funds, trusts, and other financial vehicles,[362] entities with $32.5 million or less in annual receipts.[363]

With respect to SBS Entities, based on feedback from market participants and our information about the security-based swap markets, the Commission continues to believe that (1) the types of entities that would engage in more than a *de minimis* amount of dealing activity involving security-based swaps—which generally would be large financial institutions—would not be ''small entities'' for purposes of the RFA; and (2) the types of entities that may have security-based swap positions above the level required to be ''major security-based swap participants'' would not be ''small entities'' for purposes of the RFA.[364]

For the foregoing reasons, the Commission certifies that the SBS Entity registration rules and forms, as adopted would not have a significant economic impact on a substantial number of small entities for purposes of the RFA.

VII. Statutory Basis

The Commission is adopting Rule 15Fb1–1 through 15Fb6–2 and Forms SBSE, SBSE–A, SBSE–BD, SBSE–C, and SBSE–W pursuant to Sections 15F(a) through (d), 17(a), 23(a) and 30 of the Securities Exchange Act of 1934, as amended.

List of Subjects

17 CFR Part 240

Registration, Reporting and recordkeeping requirements, Securities, Security-based swaps, Security-based swap dealers, Major security-based swap participants,

17 CFR Part 249

Brokers, Reporting and recordkeeping requirements, Securities, Forms.

Text of Final Rules

In accordance with the foregoing, the Securities and Exchange Commission is amending Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The general authority citation for part 240 is revised to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78n–1, 78*o,* 78*o*–4, 78*o*–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78dd, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, 7201 *et seq.,* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; and Pub. L. 111–203, 939A, 124 Stat. 1376 (2010), unless otherwise noted.

* * * * *

■ 2. Add an undesignated center heading and §§ 240.15Fb1–1 through 240.15Fb6–2 to read as follows:

Registration of Security-Based Swap Dealers and Major Security-Based Swap Participants

Sec.

240.15Fb1–1 Signatures.
240.15Fb2–1 Registration of security-based swap dealers and major security-based swap participants.
240.15Fb2–3 Amendments to Form SBSE, Form SBSE–A, and Form SBSE–BD.
240.15Fb2–4 Nonresident security-based swap dealers and major security-based swap participants.
240.15Fb2–5 Registration of successor to registered security-based swap dealer or major security-based swap participant.
240.15Fb2–6 Registration of fiduciaries.
240.15Fb3–1 Duration of registration.
240.15Fb3–2 Withdrawal from registration.
240.15Fb3–3 Cancellation or revocation from registration.
240.15Fb6–1 Associated persons.
240.15Fb6–2 Associated person certification.

* * * * *

[353] 5 U.S.C. 605(b).

[354] Although Section 601(b) of the RFA defines the term ''small entity,'' the statute permits agencies to formulate their own definitions. The Commission has adopted definitions for the term small entity for the purposes of Commission rulemaking in accordance with the RFA. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0–10, 17 CFR 240.0–10. *See Statement of Management on Internal Control,* Exchange Act Release No. 18451 (January 28, 1982), 47 FR 5215 (Feb. 4, 1982).

[355] *See* 17 CFR 240.0–10(a).

[356] *See* 17 CFR 240.17a–5(d).

[357] *See* 17 CFR 240.0–10(c).

[358] Including commercial banks, savings institutions, credit unions, firms involved in other depository credit intermediation, credit card issuing, sales financing, consumer lending, real estate credit, and international trade financing. 13 CFR 121.201 at Subsector 522.

[359] Including firms involved in secondary market financing, all other non-depository credit intermediation, mortgage and nonmortgage loan brokers, financial transactions processing, reserve, and clearing house activities, and other activities related to credit intermediation. 13 CFR 121.201 at Subsector 522.

[360] Including firms involved in investment banking and securities dealing, securities brokerage, commodity contracts dealing, commodity contracts brokerage, securities and commodity exchanges, miscellaneous intermediation, portfolio management, providing investment advice, trust, fiduciary and custody activities, and miscellaneous financial investment activities. 13 CFR 121.201 at Subsector 523.

[361] Including direct life insurance carriers, direct health and medical insurance carriers, direct property and casualty insurance carriers, direct title insurance carriers, other direct insurance (except life, health and medical) carriers, reinsurance carriers, insurance agencies and brokerages, claims adjusting, third party administration of insurance and pension funds, and all other insurance related activities. 13 CFR 121.201 at Subsector 524.

[362] Including pension funds, health and welfare funds, other insurance funds, open-end investment funds, trusts, estates, and agency accounts, real estate investment trusts and other financial vehicles. 13 CFR 121.201 at Subsector 525.

[363] *See* 13 CFR 121.201.

[364] *See* Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers; Capital Rule for Certain Security-Based Swap Dealers, Exchange Act Release No. 71958 (Apr. 17, 2014), 79 FR 25194, 25296–97 & n.1441 (May 2, 2014); Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant,'' Exchange Act Release No. 66868 (Apr. 27, 2012), 77 FR 30596, 30743 (May 23, 2012) (joint Commission/CFTC final rules).

§ 240.15Fb1–1. Signatures.

(a) Required signatures to, or within, any electronic submission (including, without limitation, signatories within the forms and certifications required by §§ 240.15Fb2–1, 240.15Fb2–4, and 240.15Fb6–2) must be in typed form rather than manual format. Signatures in an HTML, XML or XBRL document that are not required may, but are not required to, be presented in a graphic or image file within the electronic filing. When used in connection with an electronic filing, the term ''signature'' means an electronic entry in the form of a magnetic impulse or other form of computer data compilation of any letters or series of letters or characters comprising a name, executed, adopted or authorized as a signature.

(b) Each signatory to an electronic filing (including, without limitation, each signatory to the forms and certifications required by §§ 240.15Fb2–1, 240.15Fb2–4, and 240.15Fb6–2) shall manually sign a signature page or other document authenticating, acknowledging or otherwise adopting his or her signature that appears in typed form within the electronic filing. Such document shall be executed before or at the time the electronic filing is made. Upon request, the security-based swap dealer or major security-based swap participant shall furnish to the Commission or its staff a copy of any or all documents retained pursuant to this paragraph (b).

(c) A person required to provide a signature on an electronic submission (including, without limitation, each signatory to the forms and certifications required by §§ 240.15Fb2–1, 240.15Fb2–4, and 240.15Fb6–2) may not have the form or certification signed on his or her behalf pursuant to a power of attorney or other form of confirming authority.

(d) Each manually signed signature page or other document authenticating, acknowledging or otherwise adopting his or her signature that appears in typed form within the electronic filing—

(1) On Schedule F to Form SBSE (§ 249.1600 of this chapter), SBSE–A (§ 249.1600a of this chapter), or SBSE–BD (§ 249.1600b of this chapter), as appropriate, shall be retained by the filer until at least three years after the form or certification has been replaced or is no longer effective;

(2) On Form SBSE–C (§ 249.1600c of this chapter) shall be retained by the filer until at least three years after the Form was filed with the Commission.

§ 240.15Fb2–1 Registration of security-based swap dealers and major security-based swap participants.

(a) *Application.* An application for registration of a security-based swap dealer or a major security-based swap participant that is filed pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall be filed on Form SBSE (§ 249.1600 of this chapter) or Form SBSE–A (§ 249.1600a of this chapter) or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, in accordance with paragraph (c) and the instructions to the forms. Applicants shall also file as part of their application the required certifications on Form SBSE–C (§ 249.1600c of this chapter).

(b) *Senior Officer Certification.* A senior officer shall certify on Form SBSE–C (§ 249.1600c of this chapter) that;

(1) After due inquiry, he or she has reasonably determined that the security-based swap dealer or major security-based swap participant has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws and the rules thereunder, and

(2) He or she has documented the process by which he or she reached such determination.

(c) *Filing*—(1) *Electronic filing.* Every application for registration of a security-based swap dealer or major security-based swap participant and any additional registration documents shall be filed electronically with the Commission through the Commission's EDGAR system.

(2) *Filing date.* An application of a security-based swap dealer or a major security-based swap participant submitted pursuant to paragraph (a) of this section shall be considered filed when an applicant has submitted a complete Form SBSE–C (§ 249.1600c of this chapter) and a complete Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, and all required additional documents electronically with the Commission.

(d) *Conditional registration.* An applicant that has submitted a complete Form SBSE–C (§ 249.1600c of this chapter) and a complete Form SBSE (§ 249.1600 of this chapter) or Form SBSE–A (§ 249.1600a of this chapter) or Form SBSE–BD (§ 249.1600b of this chapter), as applicable, in accordance with paragraph (b) within the time periods set forth in § 240.3a67–8 (if the person is a major security-based swap participant) or § 240.3a71–2(b) (if the person is a security-based swap dealer), and has not withdrawn its registration shall be conditionally registered.

(e) *Commission decision.* The Commission may deny or grant ongoing registration to a security-based swap dealer or major security-based swap participant based on a security-based swap dealer's or major security-based swap participant's application, filed pursuant to paragraph (a) of this section. The Commission will grant ongoing registration if it finds that the requirements of Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) are satisfied. The Commission may institute proceedings to determine whether ongoing registration should be denied if it does not or cannot make such finding or if the applicant is subject to a statutory disqualification (as described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A)–(F)), or the Commission is aware of inaccurate statements in the application. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing. At the conclusion of such proceedings, the Commission shall grant or deny such registration.

§ 240.15Fb2–3 Amendments to Form SBSE, Form SBSE–A, and Form SBSE–BD.

If a security-based swap dealer or a major security-based swap participant finds that the information contained in its Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, or in any amendment thereto, is or has become inaccurate for any reason, the security-based swap dealer or a major security-based swap participant shall promptly file an amendment electronically with the Commission through the Commission's EDGAR system on the appropriate Form to correct such information.

§ 240.15Fb2–4 Nonresident security-based swap dealers and major security-based swap participants.

(a) *Definition.* For purposes of this section, the terms *nonresident security-based swap dealer* and *nonresident major security-based swap participant* shall mean:

(1) In the case of an individual, one who resides, or has his or her principal place of business, in any place not in the United States;

(2) In the case of a corporation, one incorporated in or having its principal place of business in any place not in the United States; or

(3) In the case of a partnership or other unincorporated organization or

association, one having its principal place of business in any place not in the United States.

(b) *Power of attorney.* (1) Each nonresident security-based swap dealer and nonresident major security-based swap participant registered or applying for registration pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall obtain a written irrevocable consent and power of attorney appointing an agent in the United States, other than the Commission or a Commission member, official or employee, upon whom may be served any process, pleadings, or other papers in any action brought against the nonresident security-based swap dealer or nonresident major security-based swap participant to enforce the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). This consent and power of attorney must be signed by the nonresident security-based swap dealer or nonresident major security-based swap participant and the named agent(s) for service of process.

(2) Each nonresident security-based swap dealer and nonresident major security-based swap participant registered or applying for registration pursuant to section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall, at the time of filing its application on Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, furnish to the Commission the name and address of its United States agent for service of process on Schedule F to the appropriate form.

(3) Any change of a nonresident security-based swap dealer's and nonresident major security-based swap participant's agent for service of process and any change of name or address of a nonresident security-based swap dealer's and nonresident major security-based swap participant's existing agent for service of process shall be communicated promptly to the Commission through amendment of the Schedule F of Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate.

(4) Each nonresident security-based swap dealer and nonresident major security-based swap participant must promptly appoint a successor agent for service of process, consistent with the process described in paragraph (b)(1), if the nonresident security-based swap dealer and nonresident major security-based swap participant discharges its identified agent for service of process or if its agent for service of process is unwilling or unable to accept service on behalf of the nonresident security-based swap dealer or nonresident major security-based swap participant.

(5) Each nonresident security-based swap dealer and nonresident major security-based swap participant must maintain, as part of its books and records, the agreement identified in paragraphs (b)(1) and (b)(4) of this section for at least three years after the agreement is terminated.

(c) *Access to books and records*—(1) *Certification and opinion of counsel.* Each nonresident security-based swap dealer and nonresident major security-based swap participant applying for registration pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b) shall:

(i) Certify on Schedule F of Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, that the nonresident security-based swap dealer and nonresident major security-based swap participant can, as a matter of law, and will provide the Commission with prompt access to the books and records of such nonresident security-based swap dealer and nonresident major security-based swap participant, and can, as a matter of law, and will submit to onsite inspection and examination by the Commission; and

(ii) Provide an opinion of counsel that the nonresident security-based swap dealer and nonresident major security-based swap participant can, as a matter of law, provide the Commission with prompt access to the books and records of such nonresident security-based swap dealer and nonresident major security-based swap participant, and can, as a matter of law, submit to onsite inspection and examination by the Commission.

(2) *Amendments.* Each nonresident security-based swap dealer and nonresident major security-based swap participant shall re-certify, on Schedule F to Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as applicable, within 90 days after any changes in the legal or regulatory framework that would impact the nonresident security-based swap dealer's or nonresident major security-based swap participant's ability to provide, or the manner in which it provides the Commission with prompt access to its books and records, or would impact the Commission's ability to inspect and examine the nonresident security-based swap dealer or nonresident major security-based swap participant. The re-certification shall be accompanied by a revised opinion of counsel describing how, as a matter of law, the nonresident security-based swap dealer or nonresident major security-based swap participant will continue to meet its obligations to provide the Commission with prompt access to its books and records and to be subject to Commission inspection and examination under the new regulatory regime.

§ 240.15Fb2–5 Registration of successor to registered security-based swap dealer or a major security-based swap participant.

(a) In the event that a security-based swap dealer or major security-based swap participant succeeds to and continues the business of a security-based swap dealer or major security-based swap participant registered pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)), the registration of the predecessor shall be deemed to remain effective as the registration of the successor if the successor, within 30 days after such succession, files an application for registration in accordance with § 240.15Fb2–1, and the predecessor files a notice of withdrawal from registration on Form SBSE–W (§ 249.1601 of this chapter).

(b) Notwithstanding paragraph (a) of this section, if a security-based swap dealer or major security-based swap participant succeeds to and continues the business of a registered predecessor security-based swap dealer or major security-based swap participant, and the succession is based solely on a change in the predecessor's date or state of incorporation, form of organization, or composition of a partnership, the successor may, within 30 days after the succession, amend the registration of the predecessor security-based swap dealer or major security-based swap participant on Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, to reflect these changes. This amendment shall be deemed an application for registration filed by the predecessor and adopted by the successor.

§ 240.15Fb2–6 Registration of fiduciaries.

The registration of a security-based swap dealer or a major security-based swap participant shall be deemed to be the registration of any executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy, or other fiduciary,

appointed or qualified by order, judgment, or decree of a court of competent jurisdiction to continue the business of such registered security-based swap dealer or a major security-based swap participant; Provided, that such fiduciary files with the Commission, within 30 days after entering upon the performance of his or her duties, an amended Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, indicating the fiduciary's position with respect to management of the firm and, as an additional document, a copy of the order, judgment, decree, or other document appointing the fiduciary.

§ 240.15Fb3–1 Duration of registration.

(a) *General.* A person registered as a security-based swap dealer or major security-based swap participant in accordance with § 240.15Fb2–1 will continue to be so registered until the effective date of any cancellation, revocation or withdrawal of such registration.

(b) *Conditional registration.* Notwithstanding paragraph (a) of this section, conditional registration shall expire on the date the registrant withdraws from registration or the Commission grants or denies the person's ongoing registration in accordance with § 240.15Fb2–1(e).

§ 240.15Fb3–2 Withdrawal from registration.

(a) Notice of withdrawal from registration as a security-based swap dealer or major security-based swap participant pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall be filed on Form SBSE–W (§ 249.1601 of this chapter) in accordance with the instructions contained therein. Every notice of withdrawal from registration as a security-based swap dealer or major security-based swap participant shall be filed electronically with the Commission through the Commission's EDGAR system. Prior to filing a notice of withdrawal from registration on Form SBSE–W, a security-based swap dealer or major security-based swap participant shall amend its Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter) or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate, in accordance with § 240.15Fb2–3(a) to update any inaccurate information.

(b) A notice of withdrawal from registration filed by a security-based swap dealer or major security-based swap participant pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall become effective for all matters (except as provided in this paragraph (b)) on the 60th day after the filing thereof with the Commission or its designee, within such longer period of time as to which such security-based swap dealer or major security-based swap participant consents or which the Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors, or within such shorter period of time as the Commission may determine. If a notice of withdrawal from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of, such security-based swap dealer or major security-based swap participant, or if prior to the effective date of the notice of withdrawal pursuant to this paragraph (b), the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective pursuant to this paragraph (b) except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

§ 240.15Fb3–3 Cancellation and revocation of registration.

(a) *Cancellation.* If the Commission finds that any person registered pursuant to § 240.15Fb2–1 is no longer in existence or has ceased to do business as a security-based swap dealer or major security-based swap participant, the Commission shall by order cancel the registration of such person.

(b) *Revocation.* The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke the registration of any security-based swap dealer or major security-based swap participant that has registered with the Commission if it makes a finding as specified in Section 15F(l)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(l)(2)).

§ 240.15Fb6–1 Associated persons.

Unless otherwise ordered by the Commission, when it files an application to register with the Commission as a security-based swap dealer or major security-based swap participant, a security-based swap dealer or a major security-based swap participant may permit a person that is associated with such security-based swap dealer or major security-based swap participant that is not a natural person and that is subject to statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, provided that the statutory disqualification(s), described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A)–(F)), occurred prior to the compliance date of this rule, and provided that it identifies each such associated person on Schedule C of Form SBSE (§ 249.1600 of this chapter), Form SBSE–A (§ 249.1600a of this chapter), or Form SBSE–BD (§ 249.1600b of this chapter), as appropriate.

§ 240.15Fb6–2 Associated person certification.

(a) *Certification.* No registered security-based swap dealer or major security-based swap participant shall act as a security-based swap dealer or major security-based swap participant unless it has certified electronically on Form SBSE–C (Section 249.1600c of this chapter) that it neither knows, nor in the exercise of reasonable care should have known, that any person associated with such security-based swap dealer or major security-based swap participant who effects or is involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant is subject to a statutory disqualification, as described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A)–(F)), unless otherwise specifically provided by rule, regulation or order of the Commission.

(b) To support the certification required by paragraph (a) of this section, the security-based swap dealer's or major security-based swap participant's Chief Compliance Officer, or his or her designee, shall review and sign the questionnaire or application for employment, which the security-based swap dealer or major security-based swap participant is required to obtain pursuant to the relevant recordkeeping rule applicable to such security-based swap dealer or major security-based swap participant, executed by each associated person who is a natural person and who effects or is involved in effecting security based swaps on the security-based swap dealer's or major security-based swap participant's behalf. The questionnaire or application shall serve as a basis for a background check of the associated person to verify

that the person is not subject to statutory disqualification.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

■ 3. The authority citation for part 249 continues to read, in part, as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.;* 12 U.S.C. 5461 *et seq.;* and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 4. Add subpart Q to read as follows:

Subpart Q—Registration of Security-Based Swap Dealers and Major Security-Based Swap Participants

Sec.

249.1600 Form SBSE, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration.
249.1600a Form SBSE–A, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration by firms registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant that are not also registered or registering with the Commission as a broker or dealer.
249.1600b Form SBSE–BD, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration by firms registered or registering with the Commission as a broker or dealer.
249.1600c Form SBSE–C, for certification by security-based swap dealers and major security-based swap participants.
249.1601 Form SBSE–W, for withdrawal from registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration.

§ 249.1600 Form SBSE, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration.

This form shall be used for application for registration as a security-based swap dealer or major security-based swap participant by firms that are not registered with the Commission as a broker or dealer and that are not registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant, pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) and to amend such an application for registration.

§ 249.1600a Form SBSE–A, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration by firms registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant that are not also registered or registering with the Commission as a broker or dealer.

This form shall be used instead of Form SBSE (§ 249.1600) to apply for registration as a security-based swap dealer or major security-based swap participant by firms that are not registered or registering with the Commission as a broker or dealer but that are registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant, pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) and to amend such an application for registration. An entity that is registered or registering with the Commission as a broker or dealer and is also registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant shall apply for registration as a security-based swap dealer or major security-based swap participant on Form SBSE–BD (§ 249.1600b) and not on this Form SBSE–A.

§ 249.1600b Form SBSE–BD, for application for registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration by firms registered or registering with the Commission as a broker or dealer.

This form shall be used instead of either Form SBSE (§ 249.1600) or SBSE–A (§ 249.1600a) to apply for registration as a security-based swap dealer or major security-based swap participant solely by firms registered or registering with the Commission as a broker or dealer, pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) and to amend such an application for registration. An entity that is registered or registering with the Commission as a broker or dealer and is also registered or registering with the Commodity Futures Trading Commission as a swap dealer or major swap participant, shall apply for registration as a security-based swap dealer or major security-based swap participant on this Form SBSE–BD and not on Form SBSE–A.

§ 249.1600c Form SBSE–C, for certification by security-based swap dealers and major security-based swap participants.

This form shall be used to file required certifications on Form SBSE–C pursuant to § 240.15Fb2–1(a) of this chapter.

§ 249.1601 Form SBSE–W, for withdrawal from registration as a security-based swap dealer or major security-based swap participant or to amend such an application for registration.

This form shall be used to withdraw from registration as a security-based swap dealer or major security-based swap participant, pursuant to Section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)).

By the Commission.

Dated: August 5, 2015.

Brent J. Fields,

Secretary.

Note: The following Forms will not appear in the Code of Federal Regulations.

BILLING CODE 8011–01–P

Form SBSE

OMB Approval
OMB Number: .....3235-____ Expires:..... ..Month __, 2018 Estimated average burden hours per response: . . . . . _____. per amendment: . . . . . _____.

Application for Registration of Security-based Swap Dealers and Major Security-based Swap Participants

FORM SBSE INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. **FORM** - Form SBSE is the Application for Registration as either a Security-based Swap Dealer or Major Security-based Swap Participant (collectively, "SBS Entities"). SBS Entities that are not registered or registering with the Commission as broker-dealers nor registered or registering with the Commodity Futures Trading Commission ("CFTC") as a swap dealer or major swap participant must file this form to register with the Securities and Exchange Commission. An applicant must also file Schedules A, B, C, D, E, and F, as appropriate.
2. **ELECTRONIC FILING** – The applicant must file Form SBSE through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE electronically to assure the timely acceptance and processing of those filings.
3. **UPDATING** - By law, the *applicant* must promptly update Form SBSE information by submitting amendments whenever the information on file becomes inaccurate or incomplete for any reason [17 CFR 240.15Fb2-3]. In addition, the *applicant* must update any incomplete or inaccurate information contained on Form SBSE prior to filing a notice of withdrawal from registration on Form SBSE-W [17 CFR 15Fb3-2(a)].
4. **CONTACT EMPLOYEE** - The individual listed as the contact employee must be authorized to receive all compliance information, communications, and mailings, and be responsible for disseminating it within the *applicant's* organization.
5. **FEDERAL INFORMATION LAW AND REQUIREMENTS** - An agency may not conduct or sponsor, and a *person* is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15F, 17(a) and 23(a) of the Exchange Act authorize the SEC to collect the information on this form from registrants. See 15 U.S.C. §§78o-10, 78q and 78w. Filing of this form is mandatory. The principal purpose of this Form is to permit the Commission to determine whether the *applicant* meets the statutory requirements to engage in the security-based swap business. The Commission maintains a file of the information on this form and will make information collected via the form publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The information contained in this form is part of a system of records subject to the Privacy Act of 1974, as amended. The Securities and Exchange Commission has published in the Federal Register the Privacy Act Systems of Records Notice for these records.

B. FILING INSTRUCTIONS

1. FORMAT

a. Sections 1-17 must be answered and all fields requiring a response must be completed before the filing will be accepted.
b. Failure to follow instructions or properly complete the form may result in the application being delayed or rejected.
c. *Applicant* must complete the execution screen certifying that Form SBSE and amendments thereto have been executed properly and that the information contained therein is accurate and complete.
d. To amend information, the *applicant* must update the appropriate Form SBSE screens.
e. A paper copy, with original signatures, of the initial Form SBSE filing and amendments to Disclosure Reporting Pages (DRPs) must be retained by the *applicant* and be made available for inspection upon a regulatory request.

2. **DISCLOSURE REPORTING PAGE (DRP)** – Information concerning the *applicant* or *control affiliate* that relates to the occurrence of an event reportable under Item 14 must be provided on the *applicant's* appropriate DRP.
3. **DIRECT AND INDIRECT OWNERS** - Amend the Direct Owners and Executive Officers screen and the Indirect Owners screen when changes in ownership occur.

The mailing address for questions and correspondence is:

The Securities and Exchange Commission
Washington, DC 20549

EXPLANATION OF TERMS
(The following terms are italicized throughout this form.)

1. GENERAL

APPLICANT - The security-based swap dealer or major security-based swap participant applying on or amending this form.

CONTROL - The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 25% or more of a class of a voting security or has the power to sell or direct the sale of 25% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 25% or more of the capital, is presumed to *control* that company.

STATE – Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, any other territory of the United States, or any subdivision or regulatory body thereof.

PERSON - An individual, partnership, corporation, trust, or other organization.

SELF-REGULATORY ORGANIZATION (SRO) - Any national securities or futures exchange, registered securities or futures association, registered clearing agency, or derivatives clearing organization.

SUCCESSOR – The term "successor" is defined to be an unregistered entity that assumes or acquires substantially all of the assets and liabilities, and that continues the business of, a predecessor security-based swap dealer or major security-based swap participant that ceases its security-based swap activities. [See Exchange Act Rule 15Fb2-5 (17 CFR 240.15Fb2-5]

UNIQUE IDENTIFICATION CODE or **UIC** – For purposes of Form SBSE, the term "unique identification code" or "UIC" means a unique identification code assigned to a person by an internationally recognized standards-setting system that is recognized by the Commission [pursuant to Rule 903(a) of Regulation SBSR (17 CFR 242.903(a))].

2. FOR THE PURPOSE OF ITEM 14 AND THE CORRESPONDING DISCLOSURE REPORTING PAGES (DRPs)

CHARGED - Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge).

CONTROL AFFILIATE – A person named in Items 10 or 11 as a control person or any other individual or organization that directly or indirectly controls, is under common control with, or is controlled by, the *applicant*, including any current employee of the applicant except one performing only clerical, administrative, support or similar functions, or who, regardless of title, performs no executive duties or has no senior policy making authority.

ENJOINED – Includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining order.

FELONY – For jurisdictions that do not differentiate between a *felony* and a *misdemeanor,* a *felony* is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least $1,000. The term also includes a general court martial.

FOUND – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.

INVESTMENT OR INVESTMENT-RELATED – Pertaining to securities, commodities, banking, savings association activities, credit union activities, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, investment adviser, futures sponsor, bank, security-based swap dealer, major security-based swap participant, savings association, credit union, insurance company, or insurance agency).

INVOLVED – Doing an act or aiding, abetting, counseling, commanding, inducing, conspiring with or failing

reasonably to supervise another in doing an act.

MINOR RULE VIOLATION – A violation of a *self-regulatory organization* rule that has been designated as "minor" pursuant to a plan approved by the SEC or CFTC. A rule violation may be designated as "minor" under a plan if the sanction imposed consists of a fine of $2,500 or less, and if the sanctioned person does not contest the fine. (Check with the appropriate *self-regulatory organization* to determine if a particular rule violation has been designated as "minor" for these purposes).

MISDEMEANOR – For jurisdictions that do not differentiate between a *felony* and a *misdemeanor*, a *misdemeanor* is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than $1,000. The term also includes a special court martial.

ORDER – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an *order*.

PROCEEDING – Includes a formal administrative or civil action initiated by a governmental agency, *self-regulatory organization* or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). Does not include other civil litigation, investigations, or arrests or similar charges effected in the absence of a formal criminal indictment or information (or equivalent formal charge).

FORM SBSE Page 1 (Execution Page)	**Uniform Application for Security-based Swap Dealer and Major Security-based Swap Participant Registration** Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as an SBS Entity, would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

[ ] APPLICATION [ ] AMENDMENT

1. Exact name, principal business address, mailing address, if different, and telephone number of the *applicant:*

A. Full name of the *applicant*:

B. Tax Identification No.: Applicant's UIC # (if any): Applicant's CIK # (if any):

C. (1) The *business name* under which the *applicant* primarily conducts business, if different from 1A.

(2) List on Schedule D, Page 1, Section I any other name by which the *applicant* conducts business and where it is used.

D. If this filing makes a name change on behalf of an *applicant,* enter the new name and specify whether the change is to the [ ] *applicant's name* (1A) or [ ] business name (1C):

Please check above.

E. *Applicant's* Main Address: (Do not use a P.O. Box)

Number and Street 1: Number and Street 2:

City: State: Country: Zip/Postal Code:

Other business locations must be reported on Schedule E. Security-based swap dealers and major security-based swap participants that do not reside in the United States of America shall designate a U.S. agent for service of process on Schedule F.

F. Mailing Address, if different:

Number and Street 1: Number and Street 2:

City: State: Country: Zip/Postal Code:

G. Business Telephone Number:

H Website/URL:

I. Contact Employee:

Name: Title:

Telephone Number: Email Address:

J. Chief Compliance Officer designated by the *applicant* in accordance with Exchange Act Section 15F(k):

Name: Title:

Telephone Number: Email Address:

EXECUTION:

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission in connection with the applicant's security-based swap activities, unless the applicant is a nonresident SBS Entity, may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Items 1E and 1F. If the applicant is a nonresident SBS Entity, it must complete Schedule F to designate a U.S. agent for service of process.

The undersigned certifies that he/she has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including schedules attached hereto, and other information filed herewith are current, true and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended such information is currently accurate and complete.

Date (MM/DD/YYYY) Name of Applicant

By: Signature Name and Title of Person Signing on *Applicant's* behalf

This page must always be completed in full.

DO NOT WRITE BELOW THIS LINE – FOR OFFICIAL USE ONLY

FORM SBSE Page 2	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	Official Use	Official Use Only

2.	A.	The applicant is registering as a security-based swap dealer: [ ] Yes [ ] No
	B.	The applicant is registering as a major security-based swap participant: [ ] Yes [ ] No Because it: (check all that apply) [ ] maintains a substantial security-based swap position [ ] has substantial counterparty exposure [ ] is highly leveraged relative to its capital position
3.	A.	Is the *applicant* a foreign security-based swap dealer that intends to: • work with the Commission and its primary regulator to have the Commission determine whether the requirements of its primary regulator's regulatory system are comparable to the Commission's [ ] Yes [ ] No • avail itself of a previously granted substituted compliance determination [ ] Yes [ ] No with respect to the requirements of Section 15F of the Exchange Act of 1934 and the rules and regulations thereunder?
	B.	If "*yes*" to either of the questions in Item 3.A. above, identify the foreign financial regulatory authority that serves as the *applicant's* primary regulator and for which the Commission has made, or may make, a substituted compliance determination: _____ _____.
	C.	If the applicant is relying on a previously granted substituted compliance determination, please describe how the *applicant* satisfies any conditions the Commission may have placed on such substituted compliance determination: _____ _____.
4.		Does the applicant intend to compute capital or margin, or price customer or proprietary positions, using mathematical models? [ ] Yes [ ] No
5.		Is the *applicant* subject to regulation by a prudential regulator, as defined in Section 1a(39) of the Commodity Exchange Act. [ ] Yes [ ] No If "*yes*," identify the prudential regulator: _____.
6.		Is the *applicant* a U.S. branch of a non-resident entity? [ ] Yes [ ] No If "*yes*," identify the non-resident entity and its location: _____.
7.		Briefly describe the *applicant's* business: _____ _____ _____ _____ _____
8.	A.	Indicate legal status of the *applicant*: [ ] Corporation [ ] Limited Liability Company [ ] Other (specify) [ ] Partnership [ ]
	B.	Month *applicant's* fiscal year ends: [ ]
	C.	Indicate date and place *applicant* obtained its legal status (i.e., state or country where incorporated, where partnership agreement was filed, or where *applicant* entity was formed): State of formation: [ ] Country of formation: [ ] Date of formation: MM/DD/YYYY [ ] *Schedule A and, if applicable, Schedule B must be completed as part of all initial applications.*

		YES	NO
9.	Is the *applicant* at the time of this filing *succeeding* to the business of a currently registered SBS Entity? *If "Yes," complete appropriate items on Schedule D, Page 1, Section III.*	[ ]	[ ]
10.	Does the *applicant* hold or maintain any funds or securities to collateralize counterparty transactions?	[ ]	[ ]

FORM SBSE Page 3	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

			YES	NO
11.		Does the *applicant* have any arrangement:		
	A.	With any other *person*, firm, or organization under which any books or records of the *applicant* are kept, maintained, or audited by such other *person*, firm or organization?	[ ]	[ ]
	B.	Under which any other person, firm or organization executes, trades, custodies, clears or settles on behalf of the applicant (including any *SRO* or swap execution facility in which the applicant is a member)? *If "Yes" to any part of Item 11, complete appropriate items on Schedule D, Page 1, Section IV.*	[ ]	[ ]
12.		Does any *person* directly or indirectly:		
	A.	*Control* the management or policies of the *applicant* through agreement or otherwise?	[ ]	[ ]
	B.	Wholly or partially finance the business of the *applicant*? *Do not answer "Yes" to 12B if the person finances the business of the applicant through: 1) a public offering of securities made pursuant to the Securities Act of 1933; or 2) credit extended in the ordinary course of business by suppliers, banks, and others.* *If "Yes" to any part of Item 12, complete appropriate items on Schedule D, Page 1, Section IV.*	[ ]	[ ]
13.	A.	Directly or indirectly, does the *applicant control*, is the *applicant controlled* by, or is the *applicant* under common *control* with, any partnership, corporation, or other organization that is engaged in the securities or investment advisory business? *If "Yes" to item 13A, complete appropriate items on Schedule D, Page 2, Section V.*	[ ]	[ ]
	B.	Directly or indirectly, is applicant controlled by any bank holding company or does applicant control, is applicant controlled by, or is applicant under common control with any bank (as defined in 15 U.S.C. 78c(a)(6)) or any foreign bank? *If "Yes" to item 13B, complete appropriate items on Schedule D, Page 3, Section VI.*	[ ]	[ ]
14.		Use the appropriate DRP for providing details to "yes" answers to the questions in Item 14. Refer to the Explanation of Terms section of Form SBSE Instructions for explanations of italicized terms.		
CRIMINAL DISCLOSURE	A.	In the past ten years has the *applicant* or a *control affiliate*:		
		(1) Been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to any *felony*?	[ ]	[ ]
		(2) Been charged with a *felony*	[ ]	[ ]
	B.	In the past ten years has the *applicant* or a *control affiliate*:		
		(1) Been convicted of or pled guilty or or nolo contendere ("no contest") in a domestic, foreign or military court to a *misdemeanor involving*: investments or an *investment-related* business, or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?	[ ]	[ ]
		(2) Been *charged* with a *misdemeanor* specified in 14B(1)?	[ ]	[ ]

FORM SBSE Page 4	*Applicant* Name: _____ Date: _____ SEC Filer No: _____	Official Use	Official Use Only

		YES	NO
REGULATORY ACTION DISCLOSURE	C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:		
	(1) *Found* the *applicant* or a *control affiliate* to have made a false statement or omission?	[ ]	[ ]
	(2) *Found* the *applicant* or a *control affiliate* to have been involved in a violation of its regulations or statutes?	[ ]	[ ]
	(3) *Found* the *applicant* or a *control affiliate* to have been a cause of an *investment-related* business having its authorization to do business denied, revoked, or restricted?	[ ]	[ ]
	(4) Entered an *order* against the *applicant* or a *control affiliate* in connection with *investment-related* activity?	[ ]	[ ]
	(5) Imposed a civil money penalty on the *applicant* or a *control affiliate*, or ordered the *applicant* or a *control affiliate* to cease and desist from any activity?	[ ]	[ ]
	D. Has any other federal regulatory agency, state regulatory agency, or *foreign financial regulatory authority*:		
	(1) Ever found the *applicant* or a *control affiliate* to have made a false statement or omission or been dishonest, unfair, or unethical?	[ ]	[ ]
	(2) Ever found the *applicant* or a *control affiliate* to have been involved in a violation of *investment-related* regulations or statutes?	[ ]	[ ]
	(3) Ever found the *applicant* or a *control affiliate* to have been a cause of an *investment-related* business having its authorization to do business denied, suspended, revoked or restricted?	[ ]	[ ]
	(4) In the past ten years, entered an order against the *applicant* or a *control affiliate* in connection with an *investment-related* activity?	[ ]	[ ]
	(5) Ever denied, suspended, or revoked the *applicant's* or a *control affiliate's* registration or license or otherwise, by order, prevented it from associating with an *investment-related* business or restricted its activities?	[ ]	[ ]
	E. Has any *self-regulatory organization*:		
	(1) *found* the *applicant* or a *control affiliate* to have made a false statement or omission?	[ ]	[ ]
	(2) *found* the *applicant* or a *control affiliate* to have been involved in a violation of its rules (other than a violation designated as a "*minor rule violation*" under a plan approved by the U.S. Securities and exchange Commission)?	[ ]	[ ]
	(3) *found* the *applicant* or a *control affiliate* to have been the cause of an *investment-related* business having its authorization to do business denied, suspended, revoked or restricted?	[ ]	[ ]
	(4) Disciplined the *applicant* or a *control affiliate* by expelling or suspending it from membership, barring or suspending its association with other members, or otherwise restricting its activities?	[ ]	[ ]
	F. Has the *applicant's* or a *control affiliate's* authorization to act as an attorney, accountant, or federal contractor ever been revoked or suspended?	[ ]	[ ]
	G. Is the *applicant* or a *control affiliate* now the subject of any regulatory *proceeding* that could result in a "yes" answer to any part of 14C, D, or E?	[ ]	[ ]
CIVIL JUDICIAL DISCLOSURE	H. (1) Has any domestic or foreign civil judicial court:		
	(a) In the past ten years, enjoined the *applicant* or a *control affiliate* in connection with any investment-related activity?	[ ]	[ ]
	(b) Ever *found* that the *applicant* or a *control affiliate* was involved in a violation of *investment-related* statutes or regulations?	[ ]	[ ]
	(c) Ever dismissed, pursuant to a settlement agreement, an *investment-related* civil judicial action brought against the *applicant* or *control affiliate* by a state or f*oreign financial regulatory authority*?	[ ]	[ ]
	(2) Is the *applicant* or a *control affiliate* now the subject of any civil judicial *proceeding* that could result in a "yes" answer to any part of 14H(1)?	[ ]	[ ]

FORM SBSE Page 5	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

			YES	NO
FINANCIAL DISCLOSURE	I.	In the past ten years has the *applicant* or a *control affiliate* ever been a securities firm or a futures firm, or a control affiliate of a securities firm or a futures firm that:		
		(1) Has been the subject of a bankruptcy petition?	[ ]	[ ]
		(2) Has had a trustee appointed or a direct payment procedure initiated under the Securities Investor Protection Act?	[ ]	[ ]
15.		Is the *applicant* registered with the Commission as an investment adviser or municipal securities advisor or with the CFTC as a commodity trading adviser? If "yes," provide all unique identification numbers assigned to the firm relating to this business on Schedule D, Page 1, Section II.	[ ]	[ ]
16.	A.	Does *applicant* effect transactions in commodity futures, commodities or commodity options as a broker for others or as a dealer for its own account? If "yes," provide all unique identification numbers assigned to the firm relating to this business on Schedule D, Page 1, Section II.	[ ]	[ ]
	B.	Does *applicant* engage in any other investment-related, non-securities business? If "yes," provide all unique identification numbers assigned to the firm relating to this business and describe each other business briefly on Schedule D, Page 1, Section II.	[ ]	[ ]
17.		Is the *applicant* registered with a foreign financial regulatory authority? If "*yes*," list all such registrations on Schedule F, Page 1, Section II.	[ ]	[ ]

Schedule A of FORM SBSE **DIRECT OWNERS AND EXECUTIVE OFFICERS** (Answer for Form SBSE Item 8)	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

1. Use Schedule A to provide information on the **direct** owners and executive officers of the applicant. Use Schedule B to provide information on **indirect** owners. **Complete each column.**

2. List below the names of:

   (a) Each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, Director, and individuals with similar status or function;

   (b) In the case of an *applicant* that is a corporation, each shareholder that directly owns 5% or more of a class of a voting security of the *applicant*, unless the *applicant* is a public reporting company (a company subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934).

   Direct owners include any *person* that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 5% or more of a class of a voting security of the *applicant*. For purposes of this Schedule, a *person* beneficially owns any securities (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence, or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant or right to purchase the security.

   (c) In the case of an *applicant* that is a partnership, **all** general partners, and those limited and special partners that have the right to receive upon dissolution, or have contributed, 5% or more of the partnership's capital; and

   (d) In the case of a trust that directly owns 5% or more of a class of a voting security of the *applicant*, or that has the right to receive upon dissolution, or has contributed, 5% or more of the *applicant*'s capital, the trust and each trustee.

   (e) In the case of an *applicant* that is a Limited Liability Company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 5% or more of the LLC's capital, and (ii) if managed by elected managers, all elected managers.

3. Are there any indirect owners of the applicant required to be reported on Schedule B? [ ] Yes [ ] No

4. In the "DE/FE/I" column, enter "DE" if the owner is a domestic entity, or enter "FE" if owner is an entity incorporated or domiciled in a foreign country, or enter "I" if the owner is an individual.

5. Complete the "Title or Status" column by entering board/management titles; status as partner, trustee, sole proprietor, or shareholder; and for shareholders, the class of securities owned (if more than one is issued).

6. Ownership Codes are:

   NA - less than 5% B - 10% but less than 25% D - 50% but less than 75%
   A - 5% but less than 10% C - 25% but less than 50% E - 75% or more

7. (a) In the "Control Person" column, enter "Yes" if *person* has *control* as defined in the instructions to this form, and enter "No" if the *person* does not have *control*. Note that under this definition most executive officers and all 25% owners, general partners, and trustees would be "*control persons*".

   (b) In the "PR " column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934.

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Title or Status	Date Title or Status Acquired		Ownership Code	Control Person		CRD and/or IARD No. and/or foreign business No. If None, IRS Tax No.	UIC, if any.	Official Use Only
			MM	YYYY			PR			
	For individuals not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):									
	For individuals not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):									
	For individuals not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service)									
	For individuals not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):									

Schedule B of FORM SBSE **INDIRECT OWNERS** (Answer for Form SBSE Item 8)	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

1. Use Schedule B to provide information on the **indirect** owners of the *applicant*. Use Schedule A to provide information on **direct** owners. **Complete each column.**

2. With respect to each owner listed on Schedule A, (except individual owners), list below:

   (a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of a voting security of that corporation. For purposes of this Schedule, a *person* beneficially owns any securities (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence, or (ii) that he/she has the right to acquire, within 60 days, through the exercise of any option, warrant or right to purchase the security.

   (b) In the case of an owner that is a partnership, **all** general partners, and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital; and

   (c) In the case of an owner that is a trust, the trust and each trustee.

   (d) In the case of an owner that is a Limited Liability Company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 25% or more of the LLC's capital, and (ii) if managed by elected managers, all elected managers.

3. Continue up the chain of ownership listing all 25% owners at each level. Once a public company (a company subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934) is reached, no ownership information further up the chain of ownership need be given.

4. In the "DE/FE/I" column, enter "DE" if the owner is a domestic entity, or enter "FE" if owner is an entity incorporated or domiciled in a foreign country, or enter "I" if the owner is an individual.

5. Complete the "Status" column by status as partner, trustee, shareholder, etc., and if shareholder, class of securities owned (if more than one is issued).

6. Ownership Codes are:
   C - 25% but less than 50% D - 50% but less than 75% E - 75% or more F - Other General Partners

7. (a) In the "Control Person" column, enter "Yes" if *person* has *control* as defined in the instructions to this form, and enter "No" if the *person* does not have *control*. Note that under this definition most executive officers and all 25% owners, general partners, and trustees would be "*control persons*".

   (b) In the "PR" column, enter "PR" if the owner is a public reporting company under Sections 12 or 15(d) of the Securities Exchange Act of 1934.

FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	DE/FE/I	Entity in Which Interest is Owned	Status	Date Title or Status Acquired		Ownership Code	Control Person		CRD and/or IARD No. and/or foreign business No. If None, IRS Tax No.	UIC, if any.	Official Use Only
				MM	YYYY			PR			

Schedule C of FORM SBSE **LIST OF 15Fb6-1 ENTITIES**	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

Each *applicant* shall use Schedule C to identify each person associated with it, as of the date it files an application to register with the Commission, that is not a natural person and that is subject to statutory disqualification (as described in Exchange Act Sections 3(a)(39)(A) through (F)) that the security-based swap dealer or security-based swap participant permits to effect or be involved in effecting security-based swaps on its behalf pursuant to Rule 15Fb6-1.

NAME	**Official Use Only**
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Schedule D of FORM SBSE Page 1	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

Use Schedule D Page 1 to report details for items listed below.

This is an [ ] INITIAL [ ] AMENDED detail filing for the Form SBSE items checked below:

Section I *Other Business Names*

(Check if applicable) [ ] Item 1C(2)

List each of the "other" names and the *state(s) or country(ies)* in which they are used.

1. Name	State/Country	2. Name	State/Country
3. Name	State/Country	4. Name	State/Country

Section II *Other Business*

(Check if applicable) [ ] Item 15 [ ] Item 16A [ ] Item 16B

Applicant must complete a separate Schedule D Page 1 for each affirmative response in this section.

Unique Identification Number(s):	*Assigning Regulator(s)/Entity(s):*

Briefly describe any other investment-related, non-securities business. Use reverse side of this sheet for additional comments if necessary.

Section III *Successions*

(Check if applicable) [ ] Item 9

Date of Succession MM DD YYYY / /	*Name of Predecessor*

IRS Employer Number (if any)	SEC File Number (if any)	UIC Number (if any)

Briefly describe details of the succession including any assets or liabilities not assumed by the successor. Use reverse side of this sheet for additional comments if necessary.

Section IV *Record Maintenance Arrangements / Business Arrangements / Control Persons / Financings*

(Check one) [ ] Item 11A [ ] Item 11B [ ] Item 12A [ ] Item 12B

Applicant must complete a separate Schedule D Page 1 for each affirmative response in this section including any multiple responses to any item. Complete the "Effective Date" box with the Month, Day and Year that the arrangement or agreement became effective. When reporting a change or termination of an arrangement, enter the effective date of the change.

Firm or Organization Name	SEC File, CRD, NFA, IARD, UIC, foreign business No., and/or CIK Number (if any)	
Business Address *(Street, City, State/Country, Zip + 4 Postal Code)*	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /
Individual Name	CRD, NFA, and/or IARD Number (if any)	
Business Address (if applicable) *(Street, City, State/Country, Zip + 4 Postal Code)*	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /

Briefly describe the nature of the arrangement with respect to books or records (ITEM 11A); the nature of the execution, trading, custody, clearing or settlement arrangement (ITEM 11B);the nature of the control or agreement (ITEM 12A); or the method and amount of financing (ITEM 12B). Use reverse side of this sheet for additional comments if necessary.

For ITEM 12A ONLY - If the control person is an individual not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service).

Schedule D of FORM SBSE Page 2	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

Use this Schedule D Page 2 to report details for Item 13A. Supply details for all partnerships, corporations, organizations, institutions and individuals necessary to answer each item completely. Use additional copies of Schedule D Page 2 if necessary.

Use the "Effective Date" box to enter the Month, Day, and Year that the affiliation was effective or the date of the most recent change in the affiliation.

This is an [ ] INITIAL [ ] AMENDED detail filing for Form SBSE Item 13A

[ ] 13A. Directly or indirectly, does *applicant control*, is *applicant controlled* by, or is *applicant* under common *control* with, any partnership, corporation, or other organization that is engaged in the securities or investment advisory business?

Section V ***Complete this section for control issues relating to ITEM 13A only.***

The details supplied relate to:

1.	Partnership, Corporation, or Organization Name	CRD Number (if any)	UIC Number (if any)

(*check only one*)

This Partnership, Corporation, or Organization [ ] *controls applicant* [ ] is *controlled* by *applicant* [ ] is under common *control* with *applicant*

Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /

Is Partnership, Corporation or Organization a foreign entity" [ ] Yes [ ] No	If Yes, provide country of domicile or incorporation"	Check "Yes" or "No" for activities of this partnership Corporation, or organization: ▶ Securities [ ] Yes [ ] No Activities:	Investment Advisory [ ] Yes [ ] No Activities:

Briefly describe the *control* relationship. Use reverse side of this sheet for additional comments if necessary.

2.	Partnership, Corporation, or Organization Name	CRD Number (if any)	UIC Number (if any)

(*check only one*)

This Partnership, Corporation, or Organization [ ] *controls applicant* [ ] is *controlled* by *applicant* [ ] is under common *control* with *applicant*

Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /

Is Partnership, Corporation or Organization a foreign entity" [ ] Yes [ ] No	If Yes, provide country of domicile or incorporation"	Check "Yes" or "No" for activities of this partnership Corporation, or organization: ▶ Securities [ ] Yes [ ] No Activities:	Investment Advisory [ ] Yes [ ] No Activities:

Briefly describe the *control* relationship. Use reverse side of this sheet for additional comments if necessary.

3.	Partnership, Corporation, or Organization Name	CRD Number (if any)	UIC Number (if any)

(*check only one*)

This Partnership, Corporation, or Organization [ ] *controls applicant* [ ] is *controlled* by *applicant* [ ] is under common *control* with *applicant*

Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /

Is Partnership, Corporation or Organization a foreign entity" [ ] Yes [ ] No	If Yes, provide country of domicile or incorporation"	Check "Yes" or "No" for activities of this partnership Corporation, or organization: ▶ Securities [ ] Yes [ ] No Activities:	Investment Advisory [ ] Yes [ ] No Activities:

Briefly describe the control relationship. Use reverse side of this sheet for additional comments if necessary.

If applicant has more than 3 organizations to report, complete additional Schedule D Page 2s.

Schedule D of FORM SBSE Page 3	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**	Official Use Only

Use Schedule D Page 3 to report details for Item 13B. Report only new information or changes/updates to previously submitted details. Do not report previously submitted information. Supply details for all partnerships, corporations, organizations, institutions and individuals necessary to answer each item completely. Use additional copies of Schedule D Page 3 if necessary.

Use the "Effective Date" box to enter the Month, Day, and Year that the affiliation was effective or the date of the most recent change in the affiliation.

This is an [ ] INITIAL [ ] AMENDED detail filing for Form SBSE Item 13B

[ ] 13B. Directly or indirectly, is applicant controlled by any bank holding company or does applicant control, is applicant controlled by, or is applicant under common control with any bank (as defined in 15 U.S.C. 78c(a)(6)) or any foreign bank?

Section VI ***Complete this section for control issues relating to ITEM 13B only.***

Provide the details for each organization or institution that *controls* the *applicant*, including each organization or institution in the *applicant's* chain of ownership. The details supplied relate to:

1.	Financial Institution Name	CRD Number (if applicable)	UIC Number (if any)
Institution Type (*e.g., bank holding company, national bank, state member bank of the Federal Reserve System, state non-member bank, savings bank or association, credit union, foreign bank.*)		Effective Date MM DD YYYY / /	
		Termination Date MM DD YYYY / /	
Business Address (Street, City, State/Country, Zip + 4/Postal Code		If foreign, country of domicile or incorporation	
Briefly describe the control relationship. Use reverse side of this sheet for additional comments, if necessary.			

2.	Financial Institution Name	CRD Number (if applicable)	UIC Number (if any)
Institution Type (*e.g., bank holding company, national bank, state member bank of the Federal Reserve System, state non-member bank, savings bank or association, credit union, foreign bank.*)		Effective Date MM DD YYYY / /	
		Termination Date MM DD YYYY / /	
Business Address (Street, City, State/Country, Zip + 4/Postal Code		If foreign, country of domicile or incorporation	
Briefly describe the control relationship. Use reverse side of this sheet for additional comments, if necessary.			

3.	Financial Institution Name	CRD Number (if applicable)	UIC Number (if any)
Institution Type (*e.g., bank holding company, national bank, state member bank of the Federal Reserve System, state non-member bank, savings bank or association, credit union, foreign bank.*)		Effective Date MM DD YYYY / /	
		Termination Date MM DD YYYY / /	
Business Address (Street, City, State/Country, Zip + 4/Postal Code		If foreign, country of domicile or incorporation	
Briefly describe the control relationship. Use reverse side of this sheet for additional comments, if necessary.			

4.	Financial Institution Name	CRD Number (if applicable)	UIC Number (if any)
Institution Type (*e.g., bank holding company, national bank, state member bank of the Federal Reserve System, state non-member bank, savings bank or association, credit union, foreign bank.)*		Effective Date MM DD YYYY / /	
		Termination Date MM DD YYYY / /	
Business Address (Street, City, State/Country, Zip + 4/Postal Code		If foreign, country of domicile or incorporation	
Briefly describe the control relationship. Use reverse side of this sheet for additional comments, if necessary.			

If applicant has more than 4 organizations/institutions to report, complete additional Schedule D page 3s.

Schedule E of FORM SBSE Page 1	*Applicant* Name: _____ Date: _____ SEC Filer No: _____	Official Use

INSTRUCTIONS

General: Use this schedule to identify other business locations of the *applicant*. Repeat Items 1-6 for each other business location. Each item must be completed unless otherwise noted. Use additional copies of this schedule as necessary.

Specific:

Item 1. Specify only one box. Check "Add" when the applicant is filing the initial notice to inform the Commission that it has opened another business location, "Delete'' when the applicant closes another business location, and "Amendment" to indicate any other change to previously filed information.

Item 2. Complete this item for all entries. Provide the date that the other business location was opened (ADD), closed (DELETE), or the effective date of the change (AMENDMENT).

Item 3. Complete this item for all entries. A physical location must be included; post office box designations alone are not sufficient.

Item 4. Complete this item only when the *applicant* changes the address of an existing other business location.

Item 5. If the other business location occupies or shares space on premises within a bank, or other financial institution, enter the name of the institution in the space provided.

Item 6. Complete this item for all entries. Enter the name of the associated person who is responsible for the operations of, and is physically at, this location.

1. Check only one box: [ ] Add [ ] Delete [ ] Amendment
2. Effective Date:
3. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
4. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
5. Institution Name:
6. Responsible Associated Person:

1. Check only one box: [ ] Add [ ] Delete [ ] Amendment
2. Effective Date:
3. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
4. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
5. Institution Name:
6. Responsible Associated Person:

1. Check only one box: [ ] Add [ ] Delete [ ] Amendment
2. Effective Date:
3. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
4. Street:
   P.O. Box (if applicable), Suite, Floor:
   City, State/Country, Zip Code +4/Postal Code:
5. Institution Name:
6. Responsible Associated Person:

Schedule F of FORM SBSE Page 1	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

Section I ***Service of Process and Certification Regarding Access to Records***

Each nonresident security-based swap dealer and non-resident security-based swap participant shall use Section I to identify its United States agent for service of process and the certify that it can, as a matter of law, and will -

(1) provide the Commission with prompt access to its books and records, and

(2) submit to onsite inspection and examination by the Commission.

1. Service of Process:

A. Name of United States person *applicant* designates and appoints as agent for service of process

B. Address of United States person *applicant* designates and appoints as agent for service of process

The above identified agent for service of process may be served any process, pleadings, subpoenas, or other papers in

(a) any investigation or administrative proceeding conducted by the Commission that relates to the *applicant* or about which the *applicant* may have information; and

(b) any civil or criminal suit or action or proceeding brought against the *applicant* or to which the *applicant* has been joined as defendant or respondent, in any appropriate court in any place subject to the jurisdiction of any state or of the United States or of any of its territories or possessions or of the District of Columbia, to enforce the Exchange Act. The *applicant* has stipulated and agreed that any such suit, action or administrative proceeding may be commenced by the service of process upon, and that service of an administrative subpoena shall be effected by service upon the above-named Agent for Service of Process, and that service as aforesaid shall be taken and held in all courts and administrative tribunals to be valid and binding as if personal service thereof had been made.

2. Certification regarding access to records:

Applicant can as a matter of law, and will;

(1) provide the Commission with prompt access to its books and records, and

(2) submit to onsite inspection and examination by the Commission.

Applicant must attach to this Form SBSE a copy of the opinion of counsel it is required to obtain in accordance with paragraph (c)(1)(ii) or (c)(2) of Exchange Act Rule 15Fb2-4, as appropriate [paragraphs (c)(1)(ii) or (c)(2) of 17 CFR 240.15Fb2-4.

Signature:

Name and Title:

Date:

Section II ***Registration with Foreign Financial Regulatory Authorities***

Complete this Section for Registration with Foreign Financial Regulatory Authorities relating to ITEM 17. Each security-based swap dealer and major security-based swap participant that is registered with a foreign financial regulatory authority must list on Section II of this Schedule F, for each foreign financial regulatory authority with which it is registered, the following information:

	English Name of Foreign Financial Regulatory Authority	Foreign Registration No. (if any)	English Name of Country:
1.			
2.			
3.			

If applicant has more than 3 Foreign Financial Regulatory Authorities to report, complete additional Schedule F Page 1s.

CRIMINAL DISCLOSURE REPORTING PAGE (SBSE)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Items 14A and 14B*** of Form SBSE;

Check **[√]** item(s) being responded to:

14A. In the past ten years has the applicant or a control affiliate:

[ ] (1) Been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to any felony?

[ ] (2) Been charged with a felony?

14B. In the past ten years has the applicant or a control affiliate:

[ ] (1) Been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to a misdemeanor involving: investments or an investment-related business, or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?

[ ] (2) Been charged with a misdemeanor specified in 14B(1)?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

Multiple counts of the same charge arising out of the same event(s) should be reported on the same DRP. Unrelated criminal actions, including separate cases arising out of the same event, must be reported on separate DRPs. Use this DRP to report all charges arising out of the same event. One event may result in more than one affirmative answer to the above items.

If a *control affiliate* is an individual or organization registered through the CRD, such *control affiliate* need only complete Part I of the *applicant's* appropriate DRP (SBSE). Details of the event must be submitted on the *control affiliate's* appropriate DRP (BD) or DRP (U-4). If a *control affiliate* is an individual or organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE). The completion of this DRP does not relieve the *control affiliate* of its obligation to update its CRD records.

Applicants must attach a copy of each applicable court document (*i.e.*, criminal complaint, information or indictment as well as judgment of conviction or sentencing documents) if not previously submitted through CRD (as they could be in the case of a *control affiliate* registered through CRD). Documents will not be accepted as disclosure in lieu of answering the questions on this DRP.

PART I

A. The *person(s)* or entity(ies) for whom this DRP (SBSE) is being filed is (are):

[ ] The *Applicant*

[ ] *Applicant* and one or more *control affiliate(s)*

[ ] One or more *control affiliate(s)*

If this DRP is being filed for a *control affiliate*, give the full name of the *control affiliate* below (for individuals, Last name, First name, Middle name).

If the *control affiliate* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Applicant*

SBSE DRP – CONTROL AFFILIATE

CRD NUMBER | UIC NUMBER (if any) | This *Control Affiliate* is [ ] Firm [ ] Individual

Registered: [ ] Yes [ ] No

NAME (For individuals, Last, First, Middle)

[ ] This DRP should be removed from the SBS Entity's record because the control affiliate(s) are no longer associated with the SBS Entity.

B. If the *control affiliate* is registered through the CRD, has the *control affiliate* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *control affiliate* of its obligation to update its CRD records.

CRIMINAL DISCLOSURE REPORTING PAGE (SBSE)

(continuation)

PART II

1. If charge(s) were brought against an organization over which the applicant or control affiliate exercise(d) control: Enter organization name, whether or not the organization was an investment-related business and the applicant's or control affiliate's position, title or relationship.

_____

2. Formal Charge(s) were brought in: (include name of Federal, Military, State or Foreign Court, Location of Court – City or County and State or Country, Docket/Case number).

_____

3. Event Disclosure Detail (Use this for both organizational and individual charges.)

   A. Date First Charged (MM/DD/YYYY): [ ] Exact [ ] Explanation

   If not exact, provide explanation: _____

   B. Event Disclosure Detail (include Charge(s)/Charge Description(s), and for each charge provide: 1. number of counts, 2. *felony* or *misdemeanor*, 3. plea for each charge, and 4. product type if charge is *investment-related*):

   _____

   _____

   _____

   C. Current status of the Event? [ ] Pending [ ] On Appeal [ ] Final

   D. Event Status Date (complete unless status is Pending) (MM/DD/YYYY): [ ] Exact [ ] Explanation

   If not exact, provide explanation: _____

   Disposition Disclosure Detail: Include for each charge, A. Disposition Type [e.g., convicted, acquitted, dismissed, pretrial.], B. Date, C. Sentence/Penalty, D. Duration [if sentence-suspension, probation, etc.], E. Start Date of Penalty, F. Penalty/Fine Amount and G. Date Paid.

   _____

   _____

   _____

   _____

   _____

   _____

5. Provide a brief summary of the circumstances leading to the charge(s) as well as the disposition. Include the relevant dates when the conduct which was the subject of the charge(s) occurred. (The information must fit within the space provided.)

   _____

   _____

   _____

   _____

   _____

   _____

   _____

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Items 14C, 14D, 14E, 14F, or 14G*** of Form SBSE;

Check [√] item(s) being responded to:

14C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:

[ ] (1) Found the applicant or a control affiliate to have made a false statement or omission?

[ ] (2) Found the applicant or a control affiliate to have been involved in a violation of its regulations or statutes?

[ ] (3) the applicant or a control affiliate to have been a cause of an investment-related business having its authorization to do business denied, revoked, or restricted?

[ ] (4) Entered an order against the applicant or a control affiliate in connection with investment-related activity?

[ ] (5) Imposed a civil money penalty on the applicant or a control affiliate, or ordered the applicant or a control affiliate to cease and desist from any activity?

14D. Has any other federal regulatory agency, state regulatory agency, or foreign financial regulatory authority:

[ ] (1) Ever found the applicant or a control affiliate to have made a false statement or omission or been dishonest, unfair, or unethical?

[ ] (2) Ever found the applicant or a control affiliate to have been involved in a violation of investment-related regulations or statutes?

[ ] (3) Ever found the applicant or a control affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?

[ ] (4) In the past ten years, entered an order against the applicant or a control affiliate in connection with an investment-related activity?

[ ] (5) Ever denied, suspended, or revoked the applicant's or a control affiliate's registration or license or otherwise, by order, prevented it from associating with an investment-related business or restricted its activities?

14E. Has any self-regulatory organization or commodities exchange ever:

[ ] (1) found the applicant or a control affiliate to have made a false statement or omission?

[ ] (2) found the applicant or a control affiliate to have been involved in a violation of its rules (other than a violation designated as a "minor rule violation" under a plan approved by the U.S. Securities and exchange Commission)?

[ ] (3) found the applicant or a control affiliate to have been the cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?

[ ] (4) Disciplined the applicant or a control affiliate by expelling or suspending it from membership, barring or suspending its association with other members, or otherwise restricting its activities?

14F. [ ] Has the applicant's or a control affiliate's authorization to act as an attorney, accountant, or federal contractor ever been revoked or suspended?

14G. [ ] Is the applicant or a control affiliate now the subject of any regulatory proceeding that could result in a "yes" answer to any part of 14C, D, or E?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Items 14C, 14D, 14E, 14F or 14G. Use only one DRP to report details related to the same event. If an event gives rise to actions by more than one regulator, provide details for each action on a separate DRP.

It is not a requirement that documents be provided for each event or proceeding. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If a *control affiliate* is an individual or organization registered through the CRD, such *control affiliate* need only complete Part I of the *applicant's* appropriate DRP (SBSE). Details of the event must be submitted on the *control affiliate's* appropriate DRP (BD) or DRP (U-4). If a *control affiliate* is an individual or organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE). The completion of this DRP does not relieve the *control affiliate* of its obligation to update its CRD records.

PART I

A. The *person(s)* or entity(ies) for whom this DRP is being filed is (are):

[ ] The *Applicant*

[ ] Applicant and one or more *control affiliate(s)*

[ ] One or more *control affiliate(s)*

If this DRP is being filed for a *control affiliate*, give the full name of the *control affiliate* below (for individuals, Last name, First name, Middle name).

If the *control affiliate* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Applicant*

SBSE DRP – CONTROL AFFILIATE

CRD NUMBER | UIC NUMBER (if any) | This *Control Affiliate* is [ ] Firm [ ] Individual

Registered: [ ] Yes [ ] No

NAME (For individuals, Last, First, Middle)

[ ] This DRP should be removed from the SBS Entity's record because the control affiliate(s) are no longer associated with the SBS Entity.

B. If the *control affiliate* is registered through the CRD, has the *control affiliate* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *control affiliate* of its obligation to update its CRD records.

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE)

(continuation)

PART II

1. Regulatory Action initiated by:

   [ ] SEC [ ] Other Federal [ ] State [ ] SRO [ ] Foreign

   (Full name of regulator, foreign financial regulatory authority, federal, state or SRO)

2. Principal Sanction: (check appropriate item)

[ ] Civil and Administrative Penalty(ies)/Fine(s)	[ ] Disgorgement	[ ] Restitution
[ ] Bar	[ ] Expulsion	[ ] Revocation
[ ] Cease and Desist	[ ] Injunction	[ ] Suspension
[ ] Censure	[ ] Prohibition	[ ] Undertaking
[ ] Denial	[ ] Reprimand	[ ] Other _____

   Other Sanctions:

3. Date Initiated (MM/DD/YYYY) [ ] Exact [ ] Explanation

   If not exact, provide explanation: _____

4. Docket/Case Number:

5. Control Affiliate Employing Firm when activity occurred which led to the regulatory action (if applicable):

6. Principal Product Type: (check appropriate item)

[ ] Annuity(ies) - Fixed	[ ] Debt - Municipal	[ ] Investment Contract(s)
[ ] Annuity(ies) – Variable	[ ] Derivative(s)	[ ] Money Market Fund(s)
[ ] Banking Products (other than CD(s))	[ ] Direct Investment(s) – DPP & LP Interest(s)	[ ] Mutual Fund(s)
	[ ] Equity - OTC	[ ] No Product
[ ] CD(s)	[ ] Equity Listed (Common & Preferred Stock)	[ ] Options
[ ] Commodity Option(s)	[ ] Futures - Commodity	[ ] Penny Stock(s)
[ ] Debt – Asset Backed	[ ] Futures - Financial	[ ] Unit Investment Trust(s)
[ ] Debt - Corporate	[ ] Index Option(s)	[ ] Other _____
[ ] Debt - Government	[ ] Insurance	

   Other Product Type:

7. Describe the allegations related to this regulatory action. (The information must fit within the space provided.):

8. Current Status? [ ] Pending [ ] On Appeal [ ] Final

9. If on appeal, regulatory action appealed to: (SEC, SRO, Federal or State Court) and Date Appeal Filed:

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE)

(continuation)

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 13 only.

10. How was matter resolved: (check appropriate item)

[ ] Acceptance, Waiver & Consent (AWC)	[ ] Consent	[ ] Settled
[ ] Decision & Order of Offer of Settlement	[ ] Dismissed	[ ] Stipulation and Consent
[ ] Decision	[ ] Order	[ ] Vacated

11. Resolution Date (MM/DD/YYYY) _____ [ ] Exact [ ] Explanation

If not exact, provide explanation:

12. A. Were any of the following Sanctions Ordered? (Check all appropriate items):

[ ] Monetary/Fine [ ] Revocation/Expulsion/Denial [ ] Disgorgement/Restitution

Amount $_____ [ ] Censure [ ] Cease and Desist/Injunction [ ] Bar [ ] Suspension

B. Other Sanctions Ordered:

C. Sanction Detail: If suspended, enjoined or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification, by exam/retraining was a condition of the sanction, provide length of time given to re-qualify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against applicant or control affiliate, date paid and if any portion of penalty was waived.

13. Provide a brief summary of details related to the action status and (or) disposition and include relevant terms, conditions and dates. (The information must fit within the space provided.)

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Items 14H*** of Form SBSE;

Check **[√]** item(s) being responded to:

14H(1) Has any domestic or foreign civil judicial court:

[ ] (a) in the past ten years, enjoined the applicant or a control affiliate in connection with any investment-related activity?

[ ] (b) ever found that the applicant or a control affiliate was involved in a violation of investment-related statutes or regulations?

[ ] (c) ever dismissed, pursuant to a settlement agreement, an investment-related civil judicial action brought against the applicant or a control affiliate by a state or foreign financial regulatory authority?

14H(2) [ ] Is the applicant or a control affiliate now the subject of any civil judicial proceeding that could result in a "yes" answer to any part of 14H(1)?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Items 14H. Use only one DRP to report details related to the same event. Unrelated civil judicial actions must be reported on separate DRPs.

It is not a requirement that documents be provided for each event or proceeding. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If a *control affiliate* is an individual or organization registered through the CRD, such *control affiliate* need only complete Part I of the *applicant's* appropriate DRP (SBSE). Details of the event must be submitted on the *control affiliate's* appropriate DRP (BD) or DRP (U-4). If a *control affiliate* is an individual or organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE). The completion of this DRP does not relieve the *control affiliate* of its obligation to update its CRD records.

PART I

A. The *person(s)* or entity(ies) for whom this DRP is being filed is (are):

[ ] The *Applicant*

[ ] Applicant and one or more *control affiliate(s)*

[ ] One or more *control affiliate(s)*

If this DRP is being filed for a *control affiliate*, give the full name of the *control affiliate* below (for individuals, Last name, First name, Middle name).

If the *control affiliate* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Applicant*

DRP SBSE – CONTROL AFFILIATE

CRD NUMBER | UIC NUMBER (if any) | This *Control Affiliate* is [ ] Firm [ ] Individual

Registered: [ ] Yes [ ] No

NAME (For individuals, Last, First, Middle)

[ ] This DRP should be removed from the SBS Entity's record because the control affiliate(s) are no longer associated with the SBS Entity.

B. If the *control affiliate* is registered through the CRD, has the *control affiliate* submitted a DRP (with Form U-4) or BD DRP to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *control affiliate* of its obligation to update its CRD records.

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE)

(continuation)

PART II

1. Court Action initiated by: (Name of regulator, foreign financial regulatory authority, SRO, commodities exchange, agency, firm, private plaintiff, etc.)

2. Principal Relief Sought: (check appropriate item)

[ ] Cease and Desist [ ] Disgorgement [ ] Money Damages (Private/Civil Complaint) [ ] Restraining Order
[ ] Civil Penalty(ies)/Fine(s) [ ] Injunction [ ] Restitution [ ] Other _____

Other Relief Sought:

3. Filing Date of Court Action (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

4. Principal Product Type: (check appropriate item)

[ ] Annuity(ies) - Fixed
[ ] Annuity(ies) - Variable
[ ] Banking Products (other than CD(s))
[ ] CD(s)
[ ] Commodity Option(s)
[ ] Debt – Asset Backed
[ ] Debt - Corporate
[ ] Debt - Government
[ ] Debt - Municipal
[ ] Derivative(s)
[ ] Direct Investment(s) – DPP & LP Interest(s)
[ ] Equity - OTC
[ ] Equity Listed (Common & Preferred Stock)
[ ] Futures - Commodity
[ ] Futures - Financial
[ ] Index Option(s)
[ ] Insurance
[ ] Investment Contract(s)
[ ] Money Market Fund(s)
[ ] Mutual Fund(s)
[ ] No Product
[ ] Options
[ ] Penny Stock(s)
[ ] Unit Investment Trust(s)
[ ] Other _____

Other Product Type:

5. Formal Action was brought in (include name of Federal, State or Foreign Court, Location of Court – City or County and State or Country, Docket/Case Number):

6. Control Affiliate Employing Firm when activity occurred which led to the civil judicial action (if applicable):

7. Describe the allegations related to this civil judicial action. (The information must fit within the space provided.):

8. Current Status? [ ] Pending [ ] On Appeal [ ] Final

9. If on appeal, action appealed to (provide name of court): Date Appeal Filed (MM/DD/YYYY):

10. If pending, date notice/process was served (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation:

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE)

(continuation)

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 14 only.

11. How was matter resolved: (check appropriate item)

[ ] Consent [ ] Judgement Rendered [ ] Settled
[ ] Dismissed [ ] Opinion [ ] Withdrawn [ ] Other _____

12. Resolution Date (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation:

13. Resolution Detail

A. Were any of the following Sanctions Ordered or Relief Granted? (Check all appropriate items):

[ ] Monetary/Fine [ ] Revocation/Expulsion/Denial [ ] Disgorgement/Restitution
Amount $_____ [ ] Censure [ ] Cease and Desist/Injunction [ ] Bar [ ] Suspension

B. Other Sanctions:

C. Sanction Detail: If suspended, enjoined or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification, by exam/retraining was a condition of the sanction, provide length of time given to re-qualify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against applicant or control affiliate, date paid and if any portion of penalty was waived.

14. Provide a brief summary of details related to action(s), allegation(s), disposition(s), and/or finding(s) disclosed above. (The information must fit within the space provided.)

BANKRUPTCY / SIPC DISCLOSURE REPORTING PAGE (SBSE)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Questions 14I*** on Form SBSE;

Check **[√]** item(s) being responded to:

14I In the past ten years has the *applicant* or a *control affiliate* of the *applicant* ever been a securities firm or a *control affiliate* of a securities firm that:

[ ] (1) has been the subject of a bankruptcy petition?

[ ] (2) has had a trustee appointed or a direct payment procedure initiated under the Securities Investor Protection Act?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

It is not a requirement that documents be provided for each event or *proceeding*. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If a *control affiliate* is an individual or organization registered through CRD, such *control affiliate* need only complete Part I of the *applicant's* appropriate DRP (SBSE). Details of the event must be submitted on the *control affiliate's* appropriate DRP (BD) or DRP (U-4). If a *control affiliate* is an individual or organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE). The completion of this DRP does not relieve the *control affiliate* of its obligation to update its CRD records.

PART I

A. The *person* or entity for whom this DRP (SBSE) is being filed is:

[ ] The *Applicant*

[ ] Applicant and one or more *control affiliate(s)*

[ ] One or more *control affiliate(s)*

If this DRP is being filed for a *control affiliate*, give the full name of the *control affiliate* below (for individuals, Last name, First name, Middle name).

If the *control affiliate* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Applicant*

BD DRP – CONTROL AFFILIATE

CRD NUMBER | UIC NUMBER (if any) | This *Control Affiliate* is [ ] Firm [ ] Individual

Registered: [ ] Yes [ ] No

NAME (For individuals, Last, First, Middle)

[ ] This DRP should be removed from the SBS Entity's record because the control affiliate(s) are no longer associated with the SBS Entity.

B. If the *control affiliate* is registered through the CRD, has the *control affiliate* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *control affiliate* of its obligation to update its CRD records.

PART II

1. Action Type: (check appropriate item)

[ ] Bankruptcy [ ] Declaration [ ] Receivership

[ ] Compromise [ ] Liquidated [ ] Other _____

2. Action Date (MM/DD/YYYY) _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

(continued)

3. If the financial action relates to an organization over which the *applicant* or the *control affiliate* exercise(d) *control*, enter organization name and the applicant's or control affiliate's position, title or relationship:

_____

Was the Organization investment-related? [ ] Yes [ ] No

4. Court action brought in (Name of Federal, State or Foreign Court), Location of Court (City or County and State or Country), Docket/Case Number and Bankruptcy Chapter Number (if Federal Bankruptcy Filing):

_____

5. Is action currently pending? [ ] Yes [ ] No

6. If not pending, provide Disposition Type: (check appropriate item)

[ ] Direct Payment Procedure [ ] Dismissed [ ] Satisfied/Released

[ ] Discharged [ ] Dissolved [ ] SIPA Trustee Appointed [ ] Other _____

7. Disposition Date (MM/DD/YYYY): _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

8. Provide a brief summary of events leading to the action and if not discharged, explain. (The information must fit within the space provided.):

_____

_____

_____

_____

_____

9. If a SIPA trustee was appointed or a direct payment procedure was begun, enter the amount paid or agreed to be paid by you; or the name of the trustee:

Currently open? [ ] Yes [ ] No

Date Direct Payment Initiated/Filed or Trustee Appointed (MM/DD/YYYY): _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

10. Provide details of any status/disposition. Include details of creditors, terms, conditions, amounts due and settlement schedule (if applicable). (The information must fit within the space provided.)

_____

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Form SBSE-A

OMB Approval
OMB Number: .....3235-____ Expires:..... ..Month __, 2018 Estimated average burden hours per response: . . . . . _____. per amendment: . . . . . _____.

Application for Registration of Security-based Swap Dealers and Major Security-based Swap Participants that are Registered or Registering with the Commodity Futures Trading Commission as a Swap Dealer or Major Swap Participant

FORM SBSE-A INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. **FORM** - Form SBSE-A is the Application for Registration as either a Security-based Swap Dealer or Major Security-based Swap Participant (collectively, "SBS Entities") by an entity that is not registered or registering with the Commission as a broker-dealer but is registered or registering with the Commodity Futures Trading Commission ("CFTC") as a swap dealer or major swap participant. **These SBS Entities must file this form and a legible copy of the Form 7-R they file with the CFTC (or its designee) to register with the Securities and Exchange Commission.** An applicant must also file Schedules A, B, C, D and F, as appropriate. There is no Schedule E. An entity that is registered or registering with the Commission as a broker-dealer and also is registered or registering with the Commodity Futures Trading Commission ("CFTC") as a swap dealer or major swap participant should file Form SBSE-BD to register with the Commission as an SBS Entity.
2. **ELECTRONIC FILING** - This Form SBSE-A must be filed electronically with the Commission through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE-A electronically to assure the timely acceptance and processing of those filings. Additional documents shall be attached to this electronic application.
3. **UPDATING** - By law, the *applicant* must promptly update Form SBSE-A information by submitting amendments whenever the information on file becomes inaccurate or incomplete for any reason [17 CFR 240.15Fb2-3]. In addition, the applicant must update any incomplete or inaccurate information contained on Form SBSE-A prior to filing a notice of withdrawal from registration on Form SBSE-W [17 CFR 15Fb3-2(a)].
4. **CONTACT EMPLOYEE** - The individual listed as the contact employee must be authorized to receive all compliance information, communications, and mailings, and be responsible for disseminating it within the *applicant's* organization.
5. **FEDERAL INFORMATION LAW AND REQUIREMENTS -** An agency may not conduct or sponsor, and a *person* is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15F, 17(a) and 23(a) of the Exchange Act authorize the SEC to collect the information on this form from registrants. See 15 U.S.C. §§78o-10, 78q and 78w. Filing of this form is mandatory. The principal purpose of this Form is to permit the Commission to determine whether the *applicant* meets the statutory requirement to engage in the security-based swap business. The Commission maintains a file of the information on this form and will make information collected via the form publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The information contained in this form is part of a system of records subject to the Privacy Act of 1974, as amended. The Securities and Exchange Commission has published in the Federal Register the Privacy Act Systems of Records Notice for these records.

B. FILING INSTRUCTIONS

1. FORMAT

a. Items 1-19 and the accompanying Schedules and DRP pages must be answered and all fields requiring a response must be completed before the filing will be accepted.

b. Failure to follow instructions or properly complete the form may result in the application being delayed or rejected.

c. *Applicant* must complete the execution screen certifying that Form SBSE-A and amendments thereto have been executed properly and that the information contained therein is accurate and complete.

d. To amend information, the *applicant* must update the appropriate Form SBSE-A screens.

e. A paper copy, with original signatures, of the initial Form SBSE-A filing and amendments to Disclosure Reporting Pages (DRPs) must be retained by the *applicant* and be made available for inspection upon a regulatory request.

2. DISCLOSURE REPORTING PAGE (DRP) – Information concerning a *principal* that relates to the occurrence of an event reportable in Schedule D must be provided on the appropriate DRP.

The mailing address for questions and correspondence is:

The Securities and Exchange Commission
Washington, DC 20549

EXPLANATION OF TERMS
(The following terms are italicized throughout this form.)

1. GENERAL

Terms used in this Form SBSE-A that are defined in the form the CFTC requires that swap dealers and major swap participants use to apply for registration with the CFTC shall have the same meaning as set forth in that form.

APPLICANT - The security-based swap dealer or major security-based swap participant applying on or amending this form.

CONTROL - The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 25% or more of a class of a voting security or has the power to sell or direct the sale of 25% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 25% or more of the capital, is presumed to *control* that company.

JURISDICTION - A state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or any subdivision or regulatory body thereof.

SUCCESSOR –The term "successor" is defined to be an unregistered entity that assumes or acquires substantially all of the assets and liabilities, and that continues the business of, a predecessor security-based swap dealer or major security-based swap participants that ceases its security-based swap activities. [See Exchange Act Rule 15b2-5 (17 CFR 240.15Fb2-5)]

UNIQUE IDENTIFICATION CODE or **UIC** – For purposes of Form SBSE-A, the term "unique identification code" or "UIC" means a unique identification code assigned to a person by an internationally recognized standards-setting system that is recognized by the Commission [pursuant to Rule 903(a) of Regulation SBSR (17 CFR 242.903(a))].

3. FOR THE PURPOSE OF SCHEDULE D AND THE CORRESPONDING DISCLOSURE REPORTING PAGES (DRPs)

FOREIGN FINANCIAL REGULATORY AUTHORITY - Includes (1) a foreign securities authority; (2) other governmental body or foreign equivalent of a *self-regulatory organization* empowered by a foreign government to administer or enforce its laws relating to the regulation of *financial services industry-related* activities; and (3) a foreign membership organization, a function of which is to regulate the participation of its members in the activities listed above.

FINANCIAL SERVICES INDUSTRY-RELATED – Pertaining to securities, commodities, banking, savings association activities, credit union activities, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, investment adviser, futures sponsor, bank, security-based swap dealer, major security-based swap participant, savings association, credit union, insurance company, or insurance agency). (This definition is used solely for the purpose of Form SBSE-A.)

INVOLVED - Doing an act or aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.

ORDER - A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an *order*.

PROCEEDING - Includes a formal administrative or civil action initiated by a governmental agency, *self-regulatory organization* or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). Does not include other civil litigation, investigations, or arrests or similar charges effected in the absence of a formal criminal indictment or information (or equivalent formal charge).

FORM SBSE-A Page 1 (Execution Page)	**Application for Registration as a Security-based Swap Dealer and Major Security-based Swap Participant that is Registered or Registering with the CFTC as a Swap Dealer or Major Swap Participant** Date:_____ *Applicant* NFA Number: _____	**Official Use**	Official Use Only

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as an SBS Entity, would violate the Federal securities laws and the laws of the *jurisdictions* and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

[ ] APPLICATION [ ] AMENDMENT

1. Exact name, principal business address, mailing address, if different, and telephone number of the *applicant:*

A. Full name of the *applicant*:

B. IRS Empl. Ident. No.:

C. Applicant's NFA ID #: Applicant's CIK # (if any): Applicant's UIC # (if any):

D. *Applicant's* Main Address: (Do not use a P.O. Box)

Number and Street 1: Number and Street 2:

City: State: Country: Zip/Postal Code:

E. Mailing Address, if different:

Number and Street 1: Number and Street 2:

City: State: Country: Zip/Postal Code:

F. Business Telephone Number:

G Website/URL:

H. Contact Employee:

Name: Title:

Telephone Number: Email Address:

I. Chief Compliance Officer designated by the *applicant* in accordance with Exchange Act Section 15F(k):

Name: Title:

Telephone Number: Email Address:

EXECUTION:

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission in connection with the applicant's security-based swap activities, unless the applicant is a nonresident SBS Entity , may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Items 1E and 1F. If the applicant is a nonresident SBS Entity, it must complete Schedule F to designate a U.S. agent for service of process.

The undersigned certifies that he/she has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including schedules attached hereto, and other information filed herewith are current, true and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended such information is currently accurate and complete.

Date (MM/DD/YYYY) Name of Applicant

By: Signature Name and Title of Person Signing on *Applicant's* behalf

This page must always be completed in full.

DO NOT WRITE BELOW THIS LINE – FOR OFFICIAL USE ONLY

FORM SBSE-A Page 2	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	Official Use	Official Use Only

2. A. The *applicant* is registering as a security-based swap dealer: [ ] Yes [ ] No

B. The *applicant* is registering as a major security-based swap participant: [ ] Yes [ ] No
Because it: (check all that apply)
[ ] maintains a substantial security-based swap position
[ ] has substantial counterparty exposure [ ] is highly leveraged relative to its capital position

3. A. Is the *applicant* a foreign security-based swap dealer that intends to:
- work with the Commission and its primary regulator to have the Commission determine whether the requirements of its primary regulator's regulatory system are comparable to the Commission's [ ] Yes [ ] No
- avail itself of a previously granted substituted compliance determination [ ] Yes [ ] No

with respect to the requirements of Section 15F of the Exchange Act of 1934 and the rules and regulations thereunder?

B. If "*yes*" to either of the questions in Item 3.A. above, identify the foreign financial regulatory authority that serves as the *applicant's* primary regulator and for which the Commission has made, or may make, a substituted compliance determination:
_____
_____.

C. If the applicant is relying on a previously granted substituted compliance determination, please describe how the *applicant* satisfies any conditions the Commission may have placed on such substituted compliance determination:
_____
_____.

4. Does the *applicant* intend to compute capital or margin, or price customer or proprietary positions, using mathematical models? [ ] Yes [ ] No

5. A. The *applicant* is currently registered with the Commodity Futures Trading Commission as a:
[ ] Swap Dealer [ ] Major Swap Participant

B. The *applicant* is registering with the Commodity Futures Trading Commission as a:
[ ] Swap Dealer [ ] Major Swap Participant

6. Is the *applicant* a U.S. branch of a non-resident entity? [ ] Yes [ ] No
If "*yes*," identify the non-resident entity and its location:
_____.

7. Briefly describe the *applicant's* business: _____
_____
_____
_____
_____

		YES	NO
8.	Is the *applicant* subject to regulation by a prudential regulator, as defined in Section 1a(39) of the Commodity Exchange Act. If "*yes*," identify the prudential regulator: _____.	[ ]	[ ]
9.	Is the *applicant* registered with the Commission as an investment adviser? Applicant's IARD #: _____	[ ]	[ ]
10. A.	Is the *applicant* registered with the Commodity Futures Trading Commission in any capacity other than as a swap dealer or major swap participant?	[ ]	[ ]
B.	If "yes," as a: [ ] Futures Commission Merchant [ ] Introducing Broker [ ] Commodity Pool Operator [ ] Other: _____		
11.	Does *applicant* engage in any other non-securities, *financial services industry-related* business? *If "yes," describe each other business briefly on Schedule B, Section I.*	[ ]	[ ]
12.	Does the *applicant* hold or maintain any funds or securities to collateralize counterparty transactions?	[ ]	[ ]

FORM SBSE-A Page 3	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	**Official Use**	Official Use Only

		YES	NO
13.	Does the *applicant* have any arrangement:		
A.	With any other *person*, firm, or organization under which any books or records of the *applicant* are kept, maintained, or audited by such other *person*, firm or organization?	[ ]	[ ]
B.	Under which such other person, firm or organization executes, trades, custodies, clears or settles on behalf of the applicant (including any *SRO* in which the applicant is a member)? *If "yes" to any part of Item 11, complete appropriate items on Schedule B, Section II.*	[ ]	[ ]
14.	Does any *person* directly or indirectly *control* the management or policies of the *applicant* through agreement or otherwise? *If "yes," complete appropriate item on Schedule B, Section II.*	[ ]	[ ]
15.	Does any *person* directly or indirectly finance (wholly or partially) the business of the *applicant*? *Do not answer "Yes" to Item 15 if the person finances the business of the applicant through: 1) a public offering of securities made pursuant to the Securities Act of 1933; or 2) credit extended in the ordinary course of business by suppliers, banks, and others.* *If "yes," complete appropriate item on Schedule B, Section II.*	[ ]	[ ]
16.	Is the *applicant* at the time of this filing *succeeding* to the business of a currently registered SBS Entity? *If "yes," complete appropriate items on Schedule B, Section III.*	[ ]	[ ]
17.	Is the *applicant* registered with a foreign financial regulatory authority? If "*yes*," list all such registrations on Schedule F, Page 1, Section II.	[ ]	[ ]
18.	The applicant has _____ principals who are individuals. *Please list all principals who are individuals on Schedule A.*		
19.	Does any principal not identified in Item 18 and Schedule A effect, or is any principal not identified in Item 18 and Schedule A involved in effecting security-based swaps on behalf of the applicant, or will such principals effect or be involved in effecting such business on the applicant's behalf? *If "yes," complete appropriate item on Schedule B, Section IV.*		

Schedule A of FORM SBSE-A **PRINCIPALS THAT ARE INDIVIDUALS** (Answer for Form SBSE-A Item 18)	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	**Official Use**

Use Schedule A to identify all principals of the applicant who are individuals.

Complete the "Title or Status" column by entering board/management titles; status as partner, trustee, sole proprietor, or shareholder; and for shareholders, the class of securities owned (if more than one is issued).

Ownership Codes are:

NA - less than 5% B - 10% but less than 25% D - 50% but less than 75%
A - 5% but less than 10% C - 25% but less than 50% E - 75% or more

	FULL LEGAL NAME (Individuals: Last Name, First Name, Middle Name)	Title or Status	Date Title or Status Acquired		Date Individual began working for applicant		Does person have an ownership interest in the applicant	If yes, include ownership code	NFA Identification No., CRD No. and/or IARD No.	Official Use Only
			MM	YYYY	MM	YYYY				
1.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
2.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
3.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
4.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
5.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
6.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
7.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
8.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
9.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								
10.							Y / N			
		For individuals not presently registered through NFA, CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service):								

Schedule B of FORM SBSE-A Page 1	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	**Official Use**	Official Use Only

Use this Schedule B to report details for items listed below. Report only new information or changes/updates to previously submitted details. Do not repeat previously submitted information.

This is an [ ] INITIAL [ ] AMENDED detail filing for the Form SBSE-A items checked below:

Section I *Other Business*

Item 11: Does *applicant* engage in any other non-securities, *financial services industry-related* business?

UIC (if any), or other Unique Identification Number(s):	*Assigning Regulator(s)/Entity(s):*

Briefly describe any other *financial services industry-related*, non-securities business in which the applicant is engaged:

Section II *Record Maintenance Arrangements / Business Arrangements / Control Persons / Financings*

(Check one) [ ] Item 13A [ ] Item 13B [ ] Item 14 [ ] Item 15

Applicant must complete a separate Schedule B Page 1 for each affirmative response in this section including any multiple responses to any item. Complete the "Effective Date" box with the Month, Day and Year that the arrangement or agreement became effective. When reporting a change or termination of an arrangement, enter the effective date of the change.

Firm or Organization Name	SEC File, CRD, NFA, IARD, UIC, and/or CIK Number (if any)	
Business Address *(Street, City, State/Country, Zip + 4 Postal Code)*	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /
Individual Name	CRD, NFA, and/or IARD Number (if any)	
Business Address (if applicable) *(Street, City, State/Country, Zip + 4 Postal Code)*	Effective Date MM DD YYYY / /	Termination Date MM DD YYYY / /

Briefly describe the nature of the arrangement with respect to books or records (ITEM 13A); the nature of the execution, trading, custody, clearing or settlement arrangement (ITEM 13B); the nature of the control or agreement (ITEM 14); or the method and amount of financing (ITEM 15). Use reverse side of this sheet for additional comments if necessary.

For ITEM 14 ONLY - If the control person is an individual not presently registered through CRD or IARD, describe prior *investment-related* experience (e.g., for each prior position - employer, job title, and dates of service).

Section III *Successions*

Item 16: Is the *applicant* at the time of this filing *succeeding* to the business of a currently registered SBS Entity?

Date of Succession MM DD YYYY / /	*Name of Predecessor*

SEC File, CRD, NFA, IARD, UIC, and/or CIK Number (if any)	IRS Employer Number (if any)

Briefly describe details of the succession including any assets or liabilities not assumed by the successor. Use reverse side of this sheet for additional comments if necessary.

Section IV *Principals Effecting or Involved in Effecting SBS Business*

Item 19: Does any principal not identified in Item 18 and Schedule A effect, or is any principal not identified in Item 15 and Schedule A involved in effecting security-based swaps on behalf of the applicant, or will such principals effect or be involved in effecting such business on the applicant's behalf?

For each Principal identified in Section IV, complete Schedule D of the Form SBSE-A and the relevant DRP pages.

1.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		

Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:

Schedule B of FORM SBSE-A Page 2	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	**Official Use**	Official Use Only

Section IV, Continued ***Principals Effecting or Involved in Effecting SBS Business***

For each Principal identified in Section IV, complete Schedule D of the Form SBSE-A and the relevant DRP pages.

2.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		
	Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:		
3.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		
	Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:		
4.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		
	Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:		
5.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		
	Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:		
6.	Name of Principal	Type of Entity (Corp, Partnership, LLC, etc.)	SEC File No., CRD, NFA, IARD, CIK Number, UIC (if any), and/or Tax Identification Number
	Business Address (*Street, City, State/Country, Zip + 4/Postal Code*)		
	This entity [ ] effects [ ] is involved in effecting security based swaps on behalf of the applicant. (*check only one*)		
	Briefly describe the details of the principal's activities relating to its effecting or involvement in effecting security-based swap transactions on behalf of the applicant:		

Schedule C of FORM SBSE-A **LIST OF 15Fb6-1 ENTITIES**	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

Each *applicant* shall use Schedule C to identify each person associated with it, as of the date it files an application to register with the Commission, that is not a natural person and that is subject to statutory disqualification (as described in Exchange Act Sections 3(a)(39)(A) through (F)) that the security-based swap dealer or security-based swap participant permits to effect or be involved in effecting security-based swaps on its behalf pursuant to Rule 15Fb6-1.

NAME	**Official Use Only**
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Schedule D of FORM SBSE-A Page 1	*Applicant* Name: _____ *Principal* Name: _____ Date: _____ *Applicant* NFA No.: _____	**Official Use**	Official Use Only

Use the appropriate DRP for providing details to "yes" answers to the questions in Schedule D. Refer to the Explanation of Terms section of Form SBSE-A Instructions for explanations of italicized terms.

		YES	NO
CRIMINAL DISCLOSURE	A. In the past ten years has the *principal*:		
	(1) Been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to any *felony*?	[ ]	[ ]
	(2) Been charged with a *felony*	[ ]	[ ]
	B. In the past ten years has the *principal*:		
	(1) Been convicted of or pled guilty or or nolo contendere ("no contest") in a domestic, foreign or military court to a *misdemeanor involving*: *financial services industry-related* business, or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?	[ ]	[ ]
	(2) Been *charged* with a *misdemeanor* specified in B(1)?	[ ]	[ ]
REGULATORY ACTION DISCLOSURE	C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:		
	(1) *Found* the *principal* to have made a false statement or omission?	[ ]	[ ]
	(2) *Found* the *principal* to have been involved in a violation of its regulations or statutes?	[ ]	[ ]
	(3) *Found* the *principal* to have been a cause of a *financial services industry-related* business having its authorization to do business denied, revoked, or restricted?	[ ]	[ ]
	(4) Entered an *order* against the *principal* in connection with *financial services industry-related* activity?	[ ]	[ ]
	(5) Imposed a civil money penalty on the *principal*, or ordered the *principal* to cease and desist from any activity?	[ ]	[ ]
REGULATORY ACTION DISCLOSURE	D. Has any other federal regulatory agency, state regulatory agency, or *foreign financial regulatory authority*:		
	(1) Ever found the *principal* to have made a false statement or omission or been dishonest, unfair, or unethical?	[ ]	[ ]
	(2) Ever found the *principal* to have been involved in a violation of *financial services industry-related* regulations or statutes?	[ ]	[ ]
	(3) Ever found the *principal* to have been a cause of a *financial services industry-related* business having its authorization to do business denied, suspended, revoked or restricted?	[ ]	[ ]
	(4) In the past ten years, entered an order against the *principal* in connection with a *financial services industry-related* activity?	[ ]	[ ]
	(5) Ever denied, suspended, or revoked the *principal's* registration or license or otherwise, by order, prevented it from associating with a *financial services industry-related* business or restricted its activities?	[ ]	[ ]
	E. Has any *self-regulatory organization* or commodities exchange ever:		
	(1) *found* the *principal* to have made a false statement or omission?	[ ]	[ ]
	(2) *found* the *principal* to have been involved in a violation of its rules (other than a violation designated as a "*minor rule violation*" under a plan approved by the U.S. Securities and exchange Commission)?	[ ]	[ ]
	(3) *found* the *principal* to have been the cause of a *financial services industry-related* business having its authorization to do business denied, suspended, revoked or restricted?	[ ]	[ ]
	(4) Disciplined the *principal* by expelling or suspending it from membership, barring or suspending its association with other members, or otherwise restricting its activities?	[ ]	[ ]
	F. Has the *principal's* authorization to act as an attorney, accountant, or federal contractor ever been revoked or suspended?	[ ]	[ ]
	G. Is the *principal* now the subject of any regulatory *proceeding* that could result in a "yes" answer to any part of C, D, or E?	[ ]	[ ]

Schedule D of FORM SBSE-A Page 2	*Applicant* Name: _____ *Principal* Name: _____ Date:_____ *Applicant* NFA No.: _____	**Official Use**	Official Use Only

			YES	NO
CIVIL JUDICIAL DISCLOSURE	H.	(1) Has any domestic or foreign civil judicial court:		
		(a) In the past ten years, enjoined the *principal* in connection with any *financial services industry-related* activity?	[ ]	[ ]
		(b) Ever *found* that the *principal* was involved in a violation of *financial services industry-related* statutes or regulations?	[ ]	[ ]
		(c) Ever dismissed, pursuant to a settlement agreement, a *financial services industry-related* civil judicial action brought against the *principal* by a state or f*oreign financial regulatory authority*?	[ ]	[ ]
		(2) Is the *principal* now the subject of any civil judicial *proceeding* that could result in a "yes" answer to any part of H(1)?	[ ]	[ ]
FINANCIAL DISCLOSURE	I.	In the past ten years has the *principal* ever been a securities firm or a *principal* of a securities firm that:		
		(1) Has been the subject of a bankruptcy petition?	[ ]	[ ]
		(2) Has had a trustee appointed or a direct payment procedure initiated under the Securities Investor Protection Act?	[ ]	[ ]

Schedule F of FORM SBSE-A	*Applicant* Name: _____ Date:_____ *Applicant* NFA No.: _____	Official Use

Section I ***Service of Process and Certification Regarding Access to Records***

Each nonresident security-based swap dealer and non-resident security-based swap participant shall use Schedule F to identify its United States agent for service of process and the certify that it can as a matter of law, and will -

(3) provide the Commission with prompt access to its books and records, and

(4) submit to onsite inspection and examination by the Commission.

1. Service of Process:

A. Name of United States person *applicant* designates and appoints as agent for service of process

B. Address of United States person *applicant* designates and appoints as agent for service of process

The above identified agent for service of process may be served any process, pleadings, subpoenas, or other papers in

(a) any investigation or administrative proceeding conducted by the Commission that relates to the *applicant* or about which the *applicant* may have information; and

(b) any civil or criminal suit or action or proceeding brought against the *applicant* or to which the *applicant* has been joined as defendant or respondent, in any appropriate court in any place subject to the jurisdiction of any state or of the United States or of any of its territories or possessions or of the District of Columbia, to enforce the Exchange Act. The *applicant* has stipulated and agreed that any such suit, action or administrative proceeding may be commenced by the service of process upon, and that service of an administrative subpoena shall be effected by service upon the above-named Agent for Service of Process, and that service as aforesaid shall be taken and held in all courts and administrative tribunals to be valid and binding as if personal service thereof had been made.

2. Certification regarding access to records:

Applicant can as a matter of law, and will;

(3) provide the Commission with prompt access to its books and records, and

(4) submit to onsite inspection and examination by the Commission.

Applicant must attach to this Form SBSE a copy of the opinion of counsel it is required to obtain in accordance with paragraph (c)(2) or (c)(3) of Exchange Act Rule 15Fb2-4, as appropriate [paragraphs (c)(2) or (c)(3) of 17 CFR 240.15Fb2-4].

Signature:

Name and Title:

Date:

Section II ***Registration with Foreign Financial Regulatory Authorities***

Complete this Section for Registration with Foreign Financial Regulatory Authorities relating to ITEM 17. Each security-based swap dealer and major security-based swap participant that is registered with a foreign financial regulatory authority must list on Section II of this Schedule F, for each foreign financial regulatory authority with which it is registered, the following information:

	English Name of Foreign Financial Regulatory Authority	Foreign Registration No. (if any)	English Name of Country:
1			
2			
3			

If applicant has more than 3 Foreign Financial Regulatory Authorities to report, complete additional Schedule F Page 1s.

CRIMINAL DISCLOSURE REPORTING PAGE (SBSE-A)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Items A and B*** of Schedule D of Form SBSE-A;

Check **[√]** item(s) being responded to:

A. In the past ten years has the principal:

[ ] (1) Been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign or military court to any felony?

[ ] (2) Been charged with a felony?

B. In the past ten years has the principal:

[ ] (1) Been convicted of or pled guilty or or nolo contendere ("no contest") in a domestic, foreign or military court to a misdemeanor involving: investments or an investment-related business, or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?

[ ] (2) Been charged with a misdemeanor specified in B(1)?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

Multiple counts of the same charge arising out of the same event(s) should be reported on the same DRP. Unrelated criminal actions, including separate cases arising out of the same event, must be reported on separate DRPs. Use this DRP to report all charges arising out of the same event. One event may result in more than one affirmative answer to the above items.

If a *principal* is an organization registered through the CRD, such *principal* need only complete Part I of the *applicant's* appropriate DRP (SBSE-A). Details of the event must be submitted on the *principal's* appropriate DRP (BD) or DRP (U-4). If a *principal* is an individual or organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE-A). The completion of this DRP does not relieve the *principal* of its obligation to update its CRD records.

Applicants must attach a copy of each applicable court document (*i.e.*, criminal complaint, information or indictment as well as judgment of conviction or sentencing documents) if not previously submitted through CRD (as they could be in the case of a *control affiliate* registered through CRD). Documents will not be accepted as disclosure in lieu of answering the questions on this DRP.

PART I

A. If the *principal* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Principal*
CRD NUMBER

Registered: [ ] Yes [ ] No

[ ] This DRP should be removed from the SBS Entity's record because the principal is no longer associated with the SBS Entity.

B. If the *principal* is registered through the CRD, has the *principal* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *principal* of its obligation to update its CRD records.

CRIMINAL DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

PART II

1. If charge(s) were brought against an organization over which the principal exercise(d) control: Enter organization name, whether or not the organization was an investment-related business and the principal's position, title or relationship.

_____

2. Formal Charge(s) were brought in: (include name of Federal, Military, State or Foreign Court, Location of Court – City or County and State or Country, Docket/Case number).

_____

3. Event Disclosure Detail (Use this for both organizational and individual charges.)

   A. Date First Charged (MM/DD/YYYY): [ ] Exact [ ] Explanation

   If not exact, provide explanation: _____

   B. Event Disclosure Detail (include Charge(s)/Charge Description(s), and for each charge provide: 1. number of counts, 2. *felony* or *misdemeanor*, 3. plea for each charge, and 4. product type if charge is *investment-related*):

   _____

   _____

   _____

   C. Current status of the Event? [ ] Pending [ ] On Appeal [ ] Final

   D. Event Status Date (complete unless status is Pending) (MM/DD/YYYY): [ ] Exact [ ] Explanation

   If not exact, provide explanation: _____

4. Disposition Disclosure Detail: Include for each charge, A. Disposition Type [e.g., convicted, acquitted, dismissed, pretrial.], B. Date, C. Sentence/Penalty, D. Duration [if sentence-suspension, probation, etc.], E. Start Date of Penalty, F. Penalty/Fine Amount and G. Date Paid.

_____

_____

_____

_____

_____

_____

5. Provide a brief summary of the circumstances leading to the charge(s) as well as the disposition. Include the relevant dates when the conduct which was the subject of the charge(s) occurred. (The information must fit within the space provided.)

_____

_____

_____

_____

_____

_____

_____

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Items C, D, E, F, or G*** of Schedule D of Form SBSE-A;

Check **[√]** item(s) being responded to:

C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:

[ ] (1) Found the principal to have made a false statement or omission?

[ ] (2) Found the principal to have been involved in a violation of its regulations or statutes?

[ ] (3) the principal to have been a cause of an investment-related business having its authorization to do business denied, revoked, or restricted?

[ ] (4) Entered an order against the principal in connection with investment-related activity?

[ ] (5) Imposed a civil money penalty on the principal, or ordered the principal to cease and desist from any activity?

D. Has any other federal regulatory agency, state regulatory agency, or foreign financial regulatory authority:

[ ] (1) Ever found the principal to have made a false statement or omission or been dishonest, unfair, or unethical?

[ ] (2) Ever found the principal to have been involved in a violation of investment-related regulations or statutes?

[ ] (3) Ever found the principal to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?

[ ] (4) In the past ten years, entered an order against the principal in connection with an investment-related activity?

[ ] (5) Ever denied, suspended, or revoked the principal's registration or license or otherwise, by order, prevented it from associating with an investment-related business or restricted its activities?

E. Has any self-regulatory organization or commodities exchange ever:

[ ] (1) found the principal to have made a false statement or omission?

[ ] (2) found the principal to have been involved in a violation of its rules (other than a violation designated as a "minor rule violation" under a plan approved by the U.S. Securities and exchange Commission)?

[ ] (3) found the principal to have been the cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?

[ ] (4) Disciplined the principal by expelling or suspending it from membership, barring or suspending its association with other members, or otherwise restricting its activities?

F. [ ] Has the principal's authorization to act as an attorney, accountant, or federal contractor ever been revoked or suspended?

G. [ ] Is the principal now the subject of any regulatory proceeding that could result in a "yes" answer to any part of C, D, or E?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Items C, D, E, F or G. Use only one DRP to report details related to the same event. If an event gives rise to actions by more than one regulator, provide details for each action on a separate DRP.

It is not a requirement that documents be provided for each event or proceeding. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If the principal is an organization registered through the CRD, such principal need only complete Part I of the *applicant's* appropriate DRP (SBSE). Details of the event must be submitted on the *principal's* appropriate DRP (BD) or DRP (U-4). If a *principal* is an organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE). The completion of this DRP does not relieve the *prinicipal* of its obligation to update its CRD records.

PART I

A. If the *principal* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Principal*	*Principal's* CRD Number

Registered: [ ] Yes [ ] No

[ ] This DRP should be removed from the SBS Entity record because the control affiliate(s) are no longer associated with the SBS Entity.

B. If the *principal* is registered through the CRD, has the *principal* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *principal* of its obligation to update its CRD records.

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

PART II

1. Regulatory Action initiated by:

[ ] SEC [ ] Other Federal [ ] State [ ] SRO [ ] Foreign

(Full name of regulator, foreign financial regulatory authority, federal, state or SRO)

2. Principal Sanction: (check appropriate item)

[ ] Civil and Administrative Penalty(ies)/Fine(s)
[ ] Bar
[ ] Cease and Desist
[ ] Censure
[ ] Denial
[ ] Disgorgement
[ ] Expulsion
[ ] Injunction
[ ] Prohibition
[ ] Reprimand
[ ] Restitution
[ ] Revocation
[ ] Suspension
[ ] Undertaking
[ ] Other _____

Other Sanctions:

3. Date Initiated (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

4. Docket/Case Number:

5. Principal Employing Firm when activity occurred which led to the regulatory action (if applicable):

6. Principal Product Type: (check appropriate item)

[ ] Annuity(ies) - Fixed
[ ] Annuity(ies) - Variable
[ ] Banking Products (other than CD(s))
[ ] CD(s)
[ ] Commodity Option(s)
[ ] Debt – Asset Backed
[ ] Debt - Corporate
[ ] Debt - Government
[ ] Debt - Municipal
[ ] Derivative(s)
[ ] Direct Investment(s) – DPP & LP Interest(s)
[ ] Equity - OTC
[ ] Equity Listed (Common & Preferred Stock)
[ ] Futures - Commodity
[ ] Futures - Financial
[ ] Index Option(s)
[ ] Insurance
[ ] Investment Contract(s)
[ ] Money Market Fund(s)
[ ] Mutual Fund(s)
[ ] No Product
[ ] Options
[ ] Penny Stock(s)
[ ] Unit Investment Trust(s)
[ ] Other _____

Other Product Type:

7. Describe the allegations related to this regulatory action. (The information must fit within the space provided.):

8. Current Status? [ ] Pending [ ] On Appeal [ ] Final

9. If on appeal, regulatory action appealed to: (SEC, SRO, Federal or State Court) and Date Appeal Filed:

REGULATORY ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 13 only.

10. How was matter resolved: (check appropriate item)

[ ] Acceptance, Waiver & Consent (AWC)	[ ] Consent	[ ] Settled
[ ] Decision & Order of Offer of Settlement	[ ] Dismissed	[ ] Stipulation and Consent
[ ] Decision	[ ] Order	[ ] Vacated

11. Resolution Date (MM/DD/YYYY) _____ [ ] Exact [ ] Explanation

If not exact, provide explanation:

12. A. Were any of the following Sanctions Ordered? (Check all appropriate items):

[ ] Monetary/Fine [ ] Revocation/Expulsion/Denial [ ] Disgorgement/Restitution

Amount $_____ [ ] Censure [ ] Cease and Desist/Injunction [ ] Bar [ ] Suspension

B. Other Sanctions Ordered:

C. Sanction Detail: If suspended, enjoined or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification, by exam/retraining was a condition of the sanction, provide length of time given to re-qualify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against principal, date paid and if any portion of penalty was waived.

13. Provide a brief summary of details related to the action status and (or) disposition and include relevant terms, conditions and dates. (The information must fit within the space provided.)

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE-A)] is an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Item H*** of Schedule D of Form SBSE-A;

Check **[√]** item(s) being responded to:

H(1) Has any domestic or foreign civil judicial court:

[ ] (a) in the past ten years, enjoined the principal in connection with any investment-related activity?

[ ] (b) ever found that the principal was involved in a violation of investment-related statutes or regulations?

[ ] (c) ever dismissed, pursuant to a settlement agreement, an investment-related civil judicial action brought against the principal by a state or foreign financial regulatory authority?

H(2) [ ] Is the principal now the subject of any civil judicial proceeding that could result in a "yes" answer to any part of H?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

One event may result in more than one affirmative answer to Item H. Use only one DRP to report details related to the same event. Unrelated civil judicial actions must be reported on separate DRPs.

It is not a requirement that documents be provided for each event or proceeding. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If a *principal* is an individual or organization registered through the CRD, such *principal* need only complete Part I of the *applicant's* appropriate DRP (SBSE-A). Details of the event must be submitted on the *principal's* appropriate DRP (BD) or DRP (U-4). If a *principal* is an organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE-A). The completion of this DRP does not relieve the *principal* of its obligation to update its CRD records.

PART I

A. If the *principal* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Principal*
CRD NUMBER

Registered: [ ] Yes [ ] No

[ ] This DRP should be removed from the SBS Entity's record because the principal is no longer associated with the SBS Entity.

B. If the *principal* is registered through the CRD, has the *principal* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *principal* of its obligation to update its CRD records.

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

PART II

1. Court Action initiated by: (Name of regulator, foreign financial regulatory authority, SRO, commodities exchange, agency, firm, private plaintiff, etc.)

2. Principal Relief Sought: (check appropriate item)

[ ] Cease and Desist [ ] Disgorgement [ ] Money Damages (Private/Civil Complaint) [ ] Restraining Order
[ ] Civil Penalty(ies)/Fine(s) [ ] Injunction [ ] Restitution [ ] Other _____

Other Relief Sought:

_____
_____
_____

3. Filing Date of Court Action (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

4. Principal Product Type: (check appropriate item)

[ ] Annuity(ies) - Fixed
[ ] Annuity(ies) - Variable
[ ] Banking Products (other than CD(s))
[ ] CD(s)
[ ] Commodity Option(s)
[ ] Debt – Asset Backed
[ ] Debt - Corporate
[ ] Debt - Government
[ ] Debt - Municipal
[ ] Derivative(s)
[ ] Direct Investment(s) – DPP & LP Interest(s)
[ ] Equity - OTC
[ ] Equity Listed (Common & Preferred Stock)
[ ] Futures - Commodity
[ ] Futures - Financial
[ ] Index Option(s)
[ ] Insurance
[ ] Investment Contract(s)
[ ] Money Market Fund(s)
[ ] Mutual Fund(s)
[ ] No Product
[ ] Options
[ ] Penny Stock(s)
[ ] Unit Investment Trust(s)
[ ] Other _____

Other Product Type:

5. Formal Action was brought in (include name of Federal, State or Foreign Court, Location of Court – City or County and State or Country, Docket/Case Number):

6. Control Affiliate Employing Firm when activity occurred which led to the civil judicial action (if applicable):

7. Describe the allegations related to this civil action. (The information must fit within the space provided.):

_____
_____
_____
_____

8. Current Status? [ ] Pending [ ] On Appeal [ ] Final

9. If on appeal, action appealed to (provide name of court): Date Appeal Filed (MM/DD/YYYY):

_____

10. If pending, date notice/process was served (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation:

CIVIL JUDICIAL ACTION DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

If Final or On Appeal, complete all items below. For Pending Actions, complete Item 14 only.

11. How was matter resolved: (check appropriate item)

[ ] Consent [ ] Judgement Rendered [ ] Settled
[ ] Dismissed [ ] Opinion [ ] Withdrawn [ ] Other _____

12. Resolution Date (MM/DD/YYYY) [ ] Exact [ ] Explanation

If not exact, provide explanation:

13. Resolution Detail

A. Were any of the following Sanctions Ordered or Relief Granted? (Check all appropriate items):

[ ] Monetary/Fine [ ] Revocation/Expulsion/Denial [ ] Disgorgement/Restitution
Amount $_____ [ ] Censure [ ] Cease and Desist/Injunction [ ] Bar [ ] Suspension

B. Other Sanctions:

C. Sanction Detail: If suspended, enjoined or barred, provide duration including start date and capacities affected (General Securities Principal, Financial Operations Principal, etc.). If requalification, by exam/retraining was a condition of the sanction, provide length of time given to re-qualify/retrain, type of exam required and whether condition has been satisfied. If disposition resulted in a fine, penalty, restitution, disgorgement or monetary compensation, provide total amount, portion levied against prinicpal, date paid and if any portion of penalty was waived.

14. Provide a brief summary of details related to action(s), allegation(s), disposition(s), and/or finding(s) disclosed above. (The information must fit within the space provided.)

BANKRUPTCY / SIPC DISCLOSURE REPORTING PAGE (SBSE-A)

GENERAL INSTRUCTIONS

This Disclosure Reporting Page [DRP (SBSE-A)] is an an [ ] INITIAL ***OR*** [ ] AMENDED response to report details for affirmative responses to ***Questions I*** on Schedule D of Form SBSE-A;

Check **[√]** item(s) being responded to:

I In the past ten years has the *principal* ever been a securities firm or a *control affiliate* of a securities firm that:

[ ] (1) has been the subject of a bankruptcy petition?

[ ] (2) has had a trustee appointed or a direct payment procedure initiated under the Securities Investor Protection Act?

Use a separate DRP for each event or *proceeding*. An event or *proceeding* may be reported for more than one person or entity using one DRP. File with a completed Execution Page.

It is not a requirement that documents be provided for each event or *proceeding*. Should they be provided, they will not be accepted as disclosure in lieu of answering the questions on this DRP.

If a *principal* is an individual or organization registered through CRD, such *principal* need only complete Part I of the *applicant's* appropriate DRP (SBSE-A). Details of the event must be submitted on the *principal's* appropriate DRP (BD) or DRP (U-4). If a *principal* is an organization not registered through the CRD, provide complete answers to all the items on the *applicant's* appropriate DRP (SBSE-a). The completion of this DRP does not relieve the *prinicpal* of its obligation to update its CRD records.

PART I

A. If the *principal* is registered with the CRD, provide the CRD number. If not, indicate "non-registered" by checking the appropriate checkbox.

Name of *Principal*
CRD NUMBER

Registered: [ ] Yes [ ] No

[ ] This DRP should be removed from the SBS Entity's record because the principal is no longer associated with the SBS Entity.

B. If the *principal* is registered through the CRD, has the *principal* submitted a DRP (with Form U-4) or DRP (BD) to the CRD System for the event?

If the answer is "Yes," no other information on this DRP must be provided: If "No," complete Part II.

[ ] Yes [ ] No

Note: The completion of this Form does not relieve the *principal* of its obligation to update its CRD records.

PART II

1. Action Type: (check appropriate item)

[ ] Bankruptcy [ ] Declaration [ ] Receivership

[ ] Compromise [ ] Liquidated [ ] Other _____

2. Action Date (MM/DD/YYYY) _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

BANKRUPTCY / SIPC DISCLOSURE REPORTING PAGE (SBSE-A)

(continuation)

3. If the financial action relates to an organization over which the *applicant* or the *control affiliate* exercise(d) *control*, enter organization name and the applicant's or control affiliate's position, title or relationship:

_____

Was the Organization investment-related? [ ] Yes [ ] No

4. Court action brought in (Name of Federal, State or Foreign Court), Location of Court (City or County and State or Country), Docket/Case Number and Bankruptcy Chapter Number (if Federal Bankruptcy Filing):

_____

5. Is action currently pending? [ ] Yes [ ] No

6. If not pending, provide Disposition Type: (check appropriate item)

[ ] Direct Payment Procedure [ ] Dismissed [ ] Satisfied/Released

[ ] Discharged [ ] Dissolved [ ] SIPA Trustee Appointed [ ] Other _____

7. Disposition Date (MM/DD/YYYY): _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

8. Provide a brief summary of events leading to the action and if not discharged, explain. (The information must fit within the space provided.):

_____

_____

_____

_____

_____

9. If a SIPA trustee was appointed or a direct payment procedure was begun, enter the amount paid or agreed to be paid by you; or the name of the trustee:

Currently open? [ ] Yes [ ] No

Date Direct Payment Initiated/Filed or Trustee Appointed (MM/DD/YYYY): _____ [ ] Exact [ ] Explanation

If not exact, provide explanation: _____

10. Provide details of any status/disposition. Include details of creditors, terms, conditions, amounts due and settlement schedule (if applicable). (The information must fit within the space provided.)

_____

_____

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Form SBSE-BD

OMB Approval
OMB Number: .....3235-____ Expires:..... ..Month __, 2018 Estimated average burden hours per response: . . . . . _____. per amendment: . . . . . _____.

Application for Registration of Security-based Swap Dealers and Major Security-based Swap Participants that are Registered Broker-dealers

FORM SBSE-BD INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. **FORM** - Form SBSE-BD is the Application for Registration as either a Security-based Swap Dealer or Major Security-based Swap Participant (collectively, "SBS Entities") by an entity that is registered or registering with the Commission as a broker or dealer. These SBS Entities must file this form to register with the Securities and Exchange Commission. An applicant must also file Schedules C and F, as appropriate. There are no Schedules A, B, D, or E.
2. **DEFINITIONS** – Form SBSE-BD uses the same definitions as in Form BD.
3. **ELECTRONIC FILING** - This Form SBSE-BD must be filed electronically with the Commission through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE-BD electronically to assure the timely acceptance and processing of those filings. Additional documents shall be attached to this electronic application.
4. **UPDATING** - By law, the *applicant* must promptly update Form SBSE-BD information by submitting amendments whenever the information on file becomes inaccurate or incomplete for any reason [17 CFR 240.15Fb2-3]. In addition, the applicant must update any incomplete or inaccurate information contained on Form SBSE-BD prior to filing a notice of withdrawal from registration on Form SBSE-W [17 CFR 15Fb3-2(a)].
5. **DEFINITION** - For purposes of Form SBSE-BD, the term "unique identification code" or "UIC" means a unique identification code assigned to a person by an internationally recognized standards-setting system that is recognized by the Commission [pursuant to Rule 903(a) of Regulation SBSR (17 CFR 242.903(a))].
6. **FEDERAL INFORMATION LAW AND REQUIREMENTS -** An agency may not conduct or sponsor, and a *person* is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15F, 17(a) and 23(a) of the Exchange Act authorize the SEC to collect the information on this form from registrants. See 15 U.S.C. §§78o-10, 78q and 78w. Filing of this form is mandatory. The principal purpose of this Form is to permit the Commission to determine whether the *applicant* meets the statutory requirements to engage in the security-based swap business. The Commission maintain[s] a file of the information on this form and will make information collected via the form publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The information contained in this form is part of a system of records subject to the Privacy Act of 1974, as amended. The Securities and Exchange Commission has published in the Federal Register the Privacy Act Systems of Records Notice for these records.

C. FILING INSTRUCTIONS

FORMAT

a. Items 1-7 and the accompanying Schedules must be answered and all fields requiring a response must be completed before the filing will be accepted.
b. Failure to follow instructions or properly complete the form may result in the application being delayed or rejected.
c. *Applicant* must complete the execution screen certifying that Form SBSE-BD and amendments thereto have been executed properly and that the information contained therein is accurate and complete.
d. To amend information, the *applicant* must update the appropriate Form SBSE-BD screens.
e. A paper copy, with original signatures, of the initial Form SBSE-BD filing and Schedules must be retained by the *applicant* and be made available for inspection upon a regulatory request.

The mailing address for questions and correspondence is:

The Securities and Exchange Commission
Washington, DC 20549

FORM SBSE-BD	**Application for Registration as a Security-based Swap Dealer and Major Security-based Swap Participant that is Registered as a Broker-Dealer**	**Official Use**	Official Use Only

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as an SBS Entity, would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

[ ] **APPLICATION** [ ] **AMENDMENT**

1. Exact name and CRD number of the *applicant:*
   - A. Full name of the *applicant*:
   - B. CRD No.: UIC No. (if any):
   - C Website/URL:
   - D. Contact Employee:
     Name: Title:
     Telephone Number: Email Address:
   - E. Chief Compliance Officer designated by the *applicant* in accordance with Exchange Act Section 15F(k):
     Name: Title:
     Telephone Number: Email Address:

2. A. The *applicant* is registering as a security-based swap dealer: [ ] Yes [ ] No
   B. The *applicant* is registering as a major security-based swap participant: [ ] Yes [ ] No
   Because it: (check all that apply)
   [ ] maintains a substantial security-based swap position
   [ ] has substantial counterparty exposure [ ] is highly leveraged relative to its capital position

3. A. The *applicant* is presently registered with the Commodity Futures Trading Commission as a:
   [ ] Swap Dealer [ ] Major Swap Participant
   B. The *applicant* is registering with the Commodity Futures Trading Commission as a:
   [ ] Swap Dealer [ ] Major Swap Participant

4. Is the *applicant* subject to regulation by a prudential regulator, as defined in Sec. 1a(39) of the Commodity Exchange Act.
   [ ] Yes [ ] No If "*yes*," identify the prudential regulator: _____.

5. Is the *applicant* registered with the Commission as an over-the-counter derivatives dealer?
   [ ] Yes [ ] No

6. Briefly describe the *applicant's* business: _____

7. Is the *applicant* registered with a foreign financial regulatory authority?
   [ ] Yes [ ] No
   If "*yes*," list all such registrations on Schedule F, Page 1, Section II.

EXECUTION:

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission in connection with the applicant's security-based swap activities, unless the applicant is a nonresident SBS Entity , may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Items 1E and 1F. If the applicant is a nonresident SBS Entity, it must complete Schedule F to designate a U.S. agent for service of process.

The undersigned certifies that he/she has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including schedules attached hereto, and other information filed herewith are current, true and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended such information is currently accurate and complete.

Date (MM/DD/YYYY) Name of Applicant

By: Signature Name and Title of Person Signing on *Applicant's* behalf

This page must always be completed in full.

DO NOT WRITE BELOW THIS LINE – FOR OFFICIAL USE ONLY

Schedule C of FORM SBSE-BD **LIST OF 15Fb6-1 ENTITIES**	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

Each *applicant* shall use Schedule C to identify each person associated with it, as of the date it files an application to register with the Commission, that is not a natural person and that is subject to statutory disqualification (as described in Exchange Act Sections 3(a)(39)(A) through (F)) that the security-based swap dealer or security-based swap participant permits to effect or be involved in effecting security-based swaps on its behalf pursuant to Rule 15Fb6-1.

NAME	**Official Use Only**
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Schedule F of FORM SBSE-BD **NONRESIDENT SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS**	*Applicant* Name: _____ Date:_____ Firm SEC No.: _____	**Official Use**

Section I *Service of Process and Certification Regarding Access to Records*

Each nonresident security-based swap dealer and non-resident security-based swap participant shall use Schedule F to identify its United States agent for service of process and the certify that it can as a matter of law, and will -

(5) provide the Commission with prompt access to its books and records, and

(6) submit to onsite inspection and examination by the Commission.

1. Service of Process:

A. Name of United States person *applicant* designates and appoints as agent for service of process

B. Address of United States person *applicant* designates and appoints as agent for service of process

The above identified agent for service of process may be served any process, pleadings, subpoenas, or other papers in

(a) any investigation or administrative proceeding conducted by the Commission that relates to the *applicant* or about which the *applicant* may have information; and

(b) any civil or criminal suit or action or proceeding brought against the *applicant* or to which the *applicant* has been joined as defendant or respondent, in any appropriate court in any place subject to the jurisdiction of any state or of the United States or of any of its territories or possessions or of the District of Columbia, to enforce the Exchange Act. The *applicant* has stipulated and agreed that any such suit, action or administrative proceeding may be commenced by the service of process upon, and that service of an administrative subpoena shall be effected by service upon the above-named Agent for Service of Process, and that service as aforesaid shall be taken and held in all courts and administrative tribunals to be valid and binding as if personal service thereof had been made.

2. Certification regarding access to records:

Applicant can as a matter of law, and will;

(5) provide the Commission with prompt access to its books and records, and

(6) submit to onsite inspection and examination by the Commission.

Applicant must attach to this Form SBSE a copy of the opinion of counsel it is required to obtain in accordance with paragraph (c)(1)(ii) or (c)(2) of Exchange Act Rule 15Fb2-4, as appropriate [paragraphs (c)(1)(ii) or (c)(2) of 17 CFR 240.15Fb2-4].

Signature:

Name and Title:

Date:

Section II *Registration with Foreign Financial Regulatory Authorities*

Complete this Section for Registration with Foreign Financial Regulatory Authorities relating to ITEM 7. Each security-based swap dealer and major security-based swap participant that is registered with a foreign financial regulatory authority must list on Section II of this Schedule F, for each foreign financial regulatory authority with which it is registered, the following information:

	English Name of Foreign Financial Regulatory Authority	Foreign Registration No. (if any)	English Name of Country:
1.			
2.			
3.			

If applicant has more than 3 Foreign Financial Regulatory Authorities to report, complete additional Schedule F Page 1s.

Form SBSE-C

OMB Approval
OMB Number: .....3235-____
Expires:..... ..Month __, 2018
Estimated average burden hours
per response: . . . . . _____.
per amendment: . . . . . _____.

Certifications for Registration of Security-based Swap Dealers and Major Security-based Swap Participants

FORM SBSE-C INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. Each security-based swap dealer and major security-based swap participant must file Form SBSE-C to register as a security-based swap dealer or major security-based swap participant.
2. **ELECTRONIC FILING** – The applicant must file Form SBSE-C through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE-C electronically to assure the timely acceptance and processing of those filings.
3. All fields requiring a response must be complete before the filing is accepted.

The mailing address for questions and correspondence is:

The Securities and Exchange Commission
Washington, DC 20549

FEDERAL INFORMATION LAW AND REQUIREMENTS – SEC's Collection of Information

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15F, 17(a) and 23(a) of the Exchange Act authorize the SEC to collect the information on this form from registrants. See 15 U.S.C. §§78o, 78o-4, 78o-5, 78q and 78w. Filing of this Form is mandatory. The principal purpose of this Form is to permit the Commission to determine whether it is in the public interest to approve or disapprove the application for ongoing registration by the security-based swap dealer or major security-based swap participant. The Commission maintains a file of the information on this Form and will make the information publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The information contained in this Form is part of a system of records subject to the Privacy Act of 1974, as amended. The Securities and Exchange Commission has published in the Federal Register the Privacy Act Systems of Records Notice for these records.

FORM SBSE-C Certification 1	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	Official Use

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

Instructions:	This Certification 1 must be signed by a senior officer of the *applicant*.

I certify that -

(1) after due inquiry, I have reasonably determined that the applicant has developed and implemented written policies and procedures reasonably designed to prevent violation of federal securities laws and the rules thereunder, and

(2) I have documented the process by which I reached such determination.

Applicant Name:	Date:
Signature of Senior Officer:	Name of Senior Officer:
	Title of Senior Officer

FORM SBSE-C **Certification 2**	*Applicant* Name: _____ Date:_____ SEC Filer No: _____	**Official Use**

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

Instructions:	This certification must be signed by the *applicant's* Chief Compliance Officer designated pursuant to Exchange Act Section 15F(k) or by his or her designee. For purposes of this Form, the term *associated person* shall have the meaning as specified in Section 3(a)(70) of the Exchange Act [15 U.S.C. 78c(a)(70)].

The *applicant* certifies that it -

(a) has performed background checks on all of its *associated persons* who are natural persons and who effect or are involved in effecting security-based swaps on its behalf, and

(b) neither knows, nor in the exercise of reasonable care should have known, that any *associated person* who effects or is involved in effecting security-based swaps on its behalf is subject to a statutory disqualification, as described in Sections 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A) – (F)), unless otherwise specifically provided by rule, regulation or order of the Commission.

Applicant Name:	Date:
Signature of Chief Compliance Officer or Designee:	
Name of Chief Compliance Officer or Designee:	If Designee, Title of Designee:

Form SBSE-W

OMB Approval
OMB Number: .....3235-___
Expires:..... ..Month __, 2018
Estimated average burden hours
per response: . . . . . _____.
per amendment: . . . . . _____.

Request for Withdrawal from Registration as a Security-based Swap Dealer or Major Security-based Swap Participant

FORM SBSE-W INSTRUCTIONS

GENERAL INSTRUCTIONS

1. Security-based swap dealers and major security-based swap participants (collectively "SBS Entities") must file Form SBSE-W to withdraw their registration from the Securities and Exchange Commission ("SEC").
2. All questions must be answered and all fields requiring a response must be complete before the filing is accepted.
3. The registrant must file Form SBSE-W through the EDGAR system, and must utilize the EDGAR Filer Manual (as defined in 17 CFR 232. 11) to file and amend Form SBSE-W electronically to assure the timely acceptance and processing of those filings. Prior to filing Form SBSE-W, amend Form SBSE, Form SBSE-A, or Form SBSE-BD, as applicable, in accordance with Rule 15Fb2-3 [17 CFR 240.15Fb2-3], to update any incomplete or inaccurate information.
4. A paper copy of this Form SBSE-W with the original manual signature(s) must be retained by the security-based swap dealer or major security-based swap participant filing the Form SBSE-W and be made available for inspection upon a regulatory request. A paper copy of the initial Form SBSE, Form SBSE-A, or Form SBSE-BD filing, as appropriate, and amendments to any Disclosure Reporting Pages (DRPs) also must be retained by the security-based swap dealer and major security-based swap participant filing the Form SBSE-W.

The mailing address for questions and correspondence is:

The Securities and Exchange Commission
Washington, DC 20549

EXPLANATION OF TERMS

(The following terms are italicized throughout this form.)

The term **INVESTIGATION** includes: (a) grand jury investigations, (b) U.S. Securities and Exchange Commission investigations after the "Wells" notice has been given, (c) formal investigations by a self-regulatory organization or, (d) actions or procedures designated as investigations by jurisdictions. The term investigation does not include subpoenas, preliminary or routine regulatory inquiries or requests for information, deficiency letters, "blue sheet" requests or other trading questionnaires, or examinations.

The term **INVESTMENT-RELATED** pertains to securities, commodities, banking, savings association activities, credit union activities, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, investment adviser, futures sponsor, bank, savings association, credit union, insurance company, or insurance agency).

FEDERAL INFORMATION LAW AND REQUIREMENTS – SEC's Colllection of Information

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15F, 17(a) and 23(a) of the Exchange Act authorize the SEC to collect the information on this form from registrants. See 15 U.S.C. §§ 78o-10, 78q and 78w. Filing of this Form is mandatory. The principal purpose of this Form is to permit the Commission to determine whether it is necessary or appropriate in the public interest or for the protection of investors to permit the security-based swap dealer or major security-based swap participant to withdraw its registration. The Commission maintains a file of the information on this Form and will make the information publicly available. Any member of the public may direct to the Commission any comments concerning the accuracy of the burden estimate on this Form, and any suggestions for reducing this burden. This collection of information has been reviewed by the Office of Management and Budget in accordance with the clearance requirements of 44 U.S.C. §3507. The information contained in this form is part of a system of records subject to the Privacy Act of 1974, as amended. The Securities and Exchange Commission has published in the Federal Register the Privacy Act Systems of Records Notice for these records.

FORM SBSE-W	Request for Withdrawal from Registration as a Security-based Swap Dealer or Major Security-based Swap Participant	Official Use

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE FEDERAL CRIMINAL VIOLATIONS.

See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

NOTE: Prior to filing a notice of withdrawal from registration on Form SBSE-W, an entity must update any incomplete or inaccurate information contained on Form SBSE, Form SBSE-A, or Form SBSE-BD, as appropriate [17 CFR 15Fb3-2(a)].

1. A. Full name of Security-based Swap Dealer or Major Security-based Swap Participant: | B. IRS Emp. Ident. No.:

C. Name under which business is conducted, if different: | D. Firm SEC, NFA, and/or CRD No.:

E. Firm main address: Number and Street City State/Country Zip+4/Postal Code

F. Mailing address, if different: Number and Street City | G. Area Code / Telephone No.:

2. Withdrawing from Registration as a: [ ] Security-based Swap Dealer [ ] Major Security-based Swap Participant

3. Date firm ceased business: MM / DD / YY

4. Reason security-based swap dealer or major security-based swap participant is seeking to withdraw from SEC registration:

[ ] Winding down all business
[ ] No longer doing security-based swap business in U.S.
[ ] Have effected less security-based swap business for previous four quarters and no longer fit definition of major security-based swap participant
[ ] Ceasing business as a security-based swap dealer
[ ] Ceasing business as a major security-based swap participant
[ ] Other (describe): _____

5. Does the security-based swap dealer or major security-based swap participant hold any segregated counterparty collateral? Yes [ ] No [ ]

A. Number of counterparties whose collateral is held:
B. Amount of money held as collateral: $
C. Market value of securities held as collateral: $
D. Describe arrangements made for return of collateral: _____

6. Is the security-based swap dealer or major security-based swap participant currently the subject of or named in any investment-related:

	yes	no
- investigation	[ ]	[ ]
- customer-initiated complaint	[ ]	[ ]
- private civil litigation	[ ]	[ ]

7. Name and Address of the Person who will have Custody of Books and Records: | Area Code / Telephone No.:

Address where the Books and Records will be Located, if Different: Number and Street City State/Country ZIP + 4/Postal Code

EXECUTION: The undersigned certifies that he/she has executed this form on behalf of, and with the authority of, the security-based swap dealer or security-based swap participant, and that all information herein, including any attachments hereto, is accurate, complete, and current. The undersigned and security-based swap dealer or major security-based swap participant further certify that all the information previously submitted on Form SBSE, Form SBSE-A, or Form SBSE-BD, as appropriate, is accurate and complete as of this date, and that the security-based swap dealer's or major security-based swap participant's books and records will be preserved and available for inspection as required by law.

Date (MM/DD/YYYY) | Name

By: Signature | Print Name and Title

[FR Doc. 2015–19661 Filed 8–13–15; 8:45 am]

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Part III

Federal Reserve System

12 CFR Parts 208 and 217
Regulatory Capital Rules: Implementation of Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies; Final Rule

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 217

[Regulations H and Q; Docket No. R–1505]

RIN 7100 AE–26

Regulatory Capital Rules: Implementation of Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System is adopting a final rule that establishes risk-based capital surcharges for the largest, most interconnected U.S.-based bank holding companies pursuant to section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The final rule requires a U.S. top-tier bank holding company that is an advanced approaches institution to calculate a measure of its systemic importance. A bank holding company whose measure of systemic importance exceeds a defined threshold would be identified as a global systemically important bank holding company and would be subject to a risk-based capital surcharge (GSIB surcharge). The GSIB surcharge is phased in beginning on January 1, 2016, through year-end 2018, and becomes fully effective on January 1, 2019. The final rule also revises the terminology used to identify the bank holding companies subject to the enhanced supplementary leverage ratio standards to ensure consistency in the scope of application between the enhanced supplementary leverage ratio standards and the GSIB surcharge framework.

DATES: The final rule is effective December 1, 2015, except that amendatory instructions 2, 3, 6, 8, and 10 amending 12 CFR 208.41, 208.43, 217.1, 217.2, and 217.11 are effective January 1, 2018.

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I. Introduction

A. The Dodd-Frank Act

Section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) directs the Board to establish enhanced prudential standards for bank holding companies with $50 billion or more in total consolidated assets and for nonbank financial companies that the Financial Stability Oversight Council (Council) has designated for supervision by the Board (nonbank financial companies supervised by the Board).[1] These standards must include risk-based capital requirements as well as other enumerated standards. They must be more stringent than the standards applicable to other bank holding companies and to nonbank financial companies that do not present similar risks to U.S. financial stability.[2] These standards must also increase in stringency based on several factors, including the size and risk characteristics of a company subject to the rule, and the Board must take into account the differences among bank holding companies and nonbank financial companies.[3]

B. Overview of the Proposed Rule

In December 2014, the Board invited public comment on a notice of proposed rulemaking (proposal) to identify global systemically important bank holding companies (GSIBs) and impose a risk-based capital surcharge on those institutions (GSIB surcharge).[4] The proposal established a methodology to identify whether a U.S. top-tier bank holding company with total consolidated assets of $50 billion or more is a GSIB. The proposed methodology was based on five broad categories that are correlated with systemic importance—size, interconnectedness, cross-jurisdictional activity, substitutability, and complexity. A bank holding company would determine a score in each category based on its firm-specific systemic indicators within each category relative to aggregate global indicator amounts across other large, global banking organizations. Each category would be given a 20 percent weighting in the calculation of a firm's aggregate systemic indicator score (together, the method 1 score). A bank holding company whose method 1 score exceeded a defined threshold would be identified as a GSIB.

A firm identified as a GSIB would then calculate its GSIB surcharge under two methods and would be subject to the higher of the two. The first method was the same methodology for identifying a bank holding company as a GSIB (method 1). The second method was based on the same systemic indicator scores used in method 1, except that the substitutability score was replaced by a measure of the firm's use of short-term wholesale funding (method 2).[5] Method 2 surcharges were calibrated to better address the risks posed by these firms to U.S. financial stability. The GSIB surcharge was added to a GSIB's capital conservation buffer for purposes of the regulatory capital rule.[6] It would have been phased in beginning on January 1, 2016, through

[1] *See* 12 U.S.C. 5365.

[2] *See* 12 U.S.C. 5365(a)(1)(A).

[3] *See* 12 U.S.C. 5365(a)(1)(B). Under section 165(a)(1)(B) of the Dodd-Frank Act, the enhanced prudential standards must increase in stringency based on the considerations listed in section 165(b)(3).

[4] 79 FR 75473 (December 18, 2014).

[5] The fact that method 2 likely produced a higher surcharge than method 1 derives from the difference in the calibration of these two methods. To allow comparability between scores produced under method 1 and method 2, method 2 raw scores were doubled.

[6] *See* 12 CFR 217.11.

year-end 2018, and become fully effective on January 1, 2019.

The Board received 21 public comments on the proposed rule from banking organizations, trade associations, public interest advocacy groups, and private individuals. Some commenters also met with Board staff to discuss the proposal.[7] While some commenters expressed support for higher capital standards for the largest and most complex U.S. banking organizations, several commenters criticized specific aspects of the proposal. For instance, several commenters expressed concern regarding the calibration of the GSIB surcharges. Other commenters argued that the proposed calculation methodology would limit the ability of a firm to reduce its GSIB surcharge by reducing its systemic risk profile. In addition, several commenters provided views on the proposed measure of short-term wholesale funding.

As discussed in this preamble, the final rule adopts the proposed rule, with several adjustments that respond to commenters' concerns. The final rule maintains the proposed approach for calculating the method 1 score that is derived from an annual aggregation of the 75 largest U.S. and foreign banking organizations (and any other banking organizations included in the sample total for that year), but improves the predictability of the method 2 score by fixing the aggregate measure of U.S. and foreign banking organizations. The final rule also adjusts elements of the short-term wholesale funding calculation in method 2 in light of commenters' concerns. In addition, the preamble further clarifies the calibration methodology, and the Board is releasing a white paper contemporaneously with the final rule that sets forth a detailed explanation of the calibration methodology.

C. Integrated Set of Prudential Standards

The GSIB surcharge adopted in the final rule is one of several enhanced prudential standards that the Board has implemented under section 165 of the Dodd-Frank Act. Other enhanced standards include the resolution plan rule,[8] the capital plan rule,[9] the stress test rules,[10] and the enhanced prudential standard rules.[11] The integrated set of standards that the Board has adopted under section 165 of the Dodd-Frank Act will result in a more stringent regulatory regime is designed to mitigate risks to U.S. financial stability, and include measures that increase the resiliency of these companies and reduce the impact on U.S. financial stability were these firms to fail.

The final rule works to mitigate the potential risk that the material financial distress or failure of a GSIB could pose to U.S. financial stability by increasing the stringency of capital standards for GSIBs, thereby increasing the resiliency of these firms. The final rule takes into consideration and reflects the nature, scope, size, scale, concentration, interconnectedness, and mix of the activities of each company, as directed by section 165 of the Dodd-Frank Act.[12] These factors are reflected in the method 1 and method 2 scores, which use quantitative metrics to measure the impact of these factors on a firm's systemic impact. GSIB surcharges are established using these scores, and GSIBs with higher scores are subject to higher GSIB surcharges.

In addition to the factors listed above, section 165 of the Dodd-Frank Act also requires the Board to consider the importance of the company as a source of credit for households; businesses; state governments; and low-income, minority, or underserved communities; and as a source of liquidity for the U.S. financial system. The GSIB surcharge increases the resiliency of the largest U.S. bank holding companies, enabling them to continue serving as financial intermediaries for the U.S. financial system and as sources of credit to households, businesses, state governments, and low-income, minority, or underserved communities during times of stress.

Section 165 of the Dodd-Frank Act also directs the Board to consider the extent to which the company is already subject to supervision.[13] The final rule applies enhanced capital standards at the consolidated bank holding company level, and does not directly apply any standards to functionally regulated subsidiaries. The Board consulted with the Council, which includes the primary regulators of the functionally regulated subsidiaries of bank holding companies, regarding the final rule.[14] While bank holding companies are already subject to capital requirements, section 165 of the Dodd-Frank Act directs the Board to adopt enhanced risk-based capital standards that mitigate the systemic risk of these firms. For reasons discussed below, adopting a GSIB surcharge addresses the systemic risk of GSIBs by making these firms more resilient.

D. Interaction with the Global Framework

The final rule is aligned with global efforts to address the financial stability risks posed by the largest, most interconnected financial institutions. In 2011, the Basel Committee on Banking Supervision (BCBS) adopted a framework to identify global systemically important banking organizations and assess their systemic importance (BCBS framework).[15] The BCBS applies its methodology and releases a list of global systemically important banking organizations on an annual basis.[16]

The BCBS plans to review its framework, including its indicator-based measurement approach and the threshold scores for identifying global systemically important banks, every three years in order to capture developments in the banking sector and any progress in methods and approaches for measuring systemic importance.[17] The result of the first three-year review is scheduled to be published by November 2017.[18]

II. Description of the Final Rule

The following discussion provides a summary of the proposal, the comments received, and the Board's responses to those comments, including modifications made in the final rule. The discussion begins with the proposed methodology to identify bank holding companies that are GSIBs. It then describes the two methods used to calculate the GSIB surcharge, the justification for using short-term wholesale funding in method 2, and the justification for the GSIB calibration. Next, it provides detail on the role of the GSIB surcharge in the regulatory capital

[7] Summaries of these meetings are available on the Board's public Web site.

[8] 12 CFR part 243.

[9] 12 CFR 225.8.

[10] 12 CFR part 252.

[11] 12 CFR part 252.

[12] *See* 12 U.S.C. 5365(b)(3).

[13] The Board is directed to take into consideration the extent to which a company is subject to supervision by the Federal banking agencies, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or the state insurance regulators.

[14] *See* 12 U.S.C. 5365(b)(4).

[15] *See* ''Global systemically important banks: Assessment methodology and the additional loss absorbency requirement,'' available at *http://www.bis.org/publ/bcbs207.htm.* In July 2013, the BCBS published a revised BCBS document entitled, ''Global systemically important banks: Updated assessment methodology and the higher loss absorbency requirement,'' which provides certain revisions and clarifications to the initial framework (Revised BCBS Document). The document is available at *http://www.bis.org/publ/bcbs255.htm.*

[16] *See http://www.bis.org/bcbs/gsib/gsibs_as_of_2014.htm.*

[17] *See* paragraph 39 of the Revised BCBS Document.

[18] *See* paragraph 62 of the Revised BCBS Document.

framework and its implementation and timing. Last, it describes the categories that are used to measure systemic importance.

A. Identification of a GSIB

1. Scope of Application

The proposal would have required a U.S.-based top-tier bank holding company with total consolidated assets of $50 billion or more to compute annually its method 1 score to determine whether it is a GSIB.[19] The Board has decided to tailor the final rule and apply this annual calculation requirement only to U.S.-based top-tier bank holding companies that qualify as advanced approaches Board-regulated institutions (those with $250 billion or more in consolidated total assets or $10 billion or more in consolidated total on-balance-sheet foreign exposures).[20] This revised approach reflects the view that firms that do not meet the definition of an advanced approaches bank holding company are less likely to pose systemic risk to U.S. financial stability than firms that meet the advanced approaches threshold.

The proposal did not apply to nonbank financial companies supervised by the Board, but the Board requested comment on whether it would be appropriate to apply a GSIB surcharge to such companies. Commenters argued that the proposed framework would not be appropriate for U.S.-based insurance companies because it did not take into account the inherent differences between the banking and insurance industries or accurately capture systemic risk in the insurance sector. Commenters contended that section 165 of the Dodd-Frank Act requires that capital standards for nonbank financial companies supervised by the Board be tailored to their specific business models and argued that Congress reiterated its intent that capital standards be tailored through the passage of the Insurance Capital Standards Clarification Act of 2014.[21] They also argued that applying the GSIB framework to insurers would be inconsistent with international efforts to develop insurance-specific prudential standards.

Consistent with the proposal, the final rule does not apply the GSIB framework to nonbank financial companies supervised by the Board. Following designation of a nonbank financial company for supervision by the Board, the Board intends to assess thoroughly the business model, capital structure, and risk profile of the designated company to determine how enhanced prudential standards should apply and, if appropriate, would tailor application of the standards by order or regulation to that nonbank financial company or to a category of nonbank financial companies. In evaluating whether additional policy measures may be appropriate for such firms, the Board intends to consider comments received on the proposal.

2. Methodology To Identify a Bank Holding Company as a GSIB

a. General Methodology

To calculate its method 1 score under the proposal, a GSIB would have used five broad categories that are correlated with systemic importance—size, interconnectedness, cross-jurisdictional activity, substitutability, and complexity. Each of the categories received a 20 percent weighting in the calculation of a firm's method 1 score. The proposal identified 12 systemic indicators that measure the firm's profile within these five categories, as set forth in Table 1 below.

TABLE 1—PROPOSED SYSTEMIC INDICATORS

Category	Systemic indicator	Indicator weight (%)
Size	Total exposures	20
Interconnectedness	Intra-financial system assets	6.67
	Intra-financial system liabilities	6.67
	Securities outstanding	6.67
Substitutability	Payments activity	6.67
	Assets under custody	6.67
	Underwritten transactions in debt and equity markets	6.67
Complexity	Notional amount of over-the-counter (OTC) derivatives	6.67
	Trading and available-for-sale (AFS) securities	6.67
	Level 3 assets	6.67
Cross-jurisdictional activity	Cross-jurisdictional claims	10
	Cross-jurisdictional liabilities	10
Total for 12 indicators across five categories:		100

A bank holding company would have calculated a score for each systemic indicator by dividing its systemic indicator value by an aggregate global measure for that indicator. The resulting value for each systemic indicator would then have been multiplied by the prescribed weighting indicated in Table 1 above, and by 10,000 to reflect the result in basis points. A bank holding company would then sum the weighted values for the 12 systemic indicators to determine its method 1 score; however, the value of the substitutability indicator scores would be capped at 100.[22] A bank holding company would have been identified as a GSIB if its method 1 score exceeded 130.

According to the Board's analysis across many potential metrics, there is a clear separation in systemic risk profiles between the eight U.S. top-tier bank holding companies that would be identified as GSIBs under the proposed methodology and other bank holding companies. Using the method 1 scores as a measure of systemic importance, there is a large drop-off between the eighth-highest score (146) and the ninth-highest score (51).[23] Drawing the cut-off

[19] The rule would not apply to a bank holding company that is either a consolidated subsidiary of another bank holding company or a consolidated subsidiary of a foreign banking organization.

[20] 12 CFR 217.100.

[21] *See* Public Law, 128 Stat. 3017 (2014).

[22] Scores would be rounded to the nearest basis point according to standard rounding rules for the purposes of assigning levels. That is, fractional amounts between zero and one-half would be rounded down to zero, while fractional amounts at or above one-half would be rounded to one.

[23] These estimated scores may not reflect the actual scores of a given firm, and they will change over time as each firm's systemic footprint grows or shrinks. Unless otherwise specified in this

line within this target range is reasonable because firms with scores at or below 51 were much closer in size and complexity to financial firms that had previously been resolved in an orderly fashion than they were to the largest financial firms, which had scores between three and nine times as high and are significantly larger and more complex. The final rule sets the cut-off for identifying GSIBs at 130 in order to align the cut-off with international standards and facilitate comparability across jurisdictions.

Several commenters expressed support for the systemic indicators used in the proposed method 1. For instance, one commenter suggested that the Board use the systemic indicator approach more broadly in determining the scope of application of prudential regulation (as opposed to simple asset- or activity-based thresholds). However, another commenter argued that the proposed method did not appear to be based on empirical analysis, and questioned the equal weight given to each category. Another commenter argued that the proposed weighting for ''size'' overstates the importance of the category because other indicators are strongly correlated with size.

The final rule adopts the proposed weights for method 1. The equal weighting of these factors reflects the fact that each of the factors contributes to the effect the failure of a firm will have on financial stability and the particular score a firm receives will depend on its unique circumstances relative to the group of firms as a whole. The Board intends to reassess the regime at regular intervals to ensure that equal weighting remains appropriate.

b. Relative Nature of the Aggregate Global Indicator Amount

The proposal measured a bank holding company's systemic indicator score in proportion to the corresponding aggregate global indicator amount, defined as the annual dollar figure published by the Board that represents the sum of the systemic indicator scores of the 75 largest U.S. and foreign banking organizations (as measured by the BCBS) and any other banking organization that the BCBS includes in its sample total for that year. Because the proposed aggregate global indicator amounts were calculated on a yearly basis, a firm's scores would have reflected yearly changes to the systemic indicators of the aggregate amounts. Thus, it is described herein as the ''relative approach.'' The aggregate global indicator amounts were converted from euros to U.S. dollars using the single day conversion rate provided by the BCBS.[24] The conversion rate was based on the prevailing exchange rate between euros and U.S. dollars on December 31 of the applicable year.

Several commenters argued that the relative approach would limit the ability of a firm to reduce its GSIB surcharge by reducing its systemic risk profile because its systemic indicator scores would be measured relative to the systemic risk profile of other global banking organizations. If a banking organization reduced the value of a given indicator by the same percentage as other banking organizations included in the aggregate global indicator, the banking organization's systemic indicator scores would not be affected. Commenters suggested that the aggregate global indicator amounts be replaced with an empirically-supported absolute dollar amount or other fixed approach to ensure that reductions in indicators result in reductions in the systemic indicator scores. Similarly, several commenters suggested that the exchange rate used for converting aggregate global indicator amounts to U.S. dollars could overstate the systemic importance of U.S. GSIBs when the U.S. dollar is strong, despite having a very limited relationship or relevance to systemic importance. To moderate this effect, commenters suggested replacing the level of the exchange rate measured at a single point in time with a five-year rolling average exchange rate. Commenters also suggested that this change be discussed at the BCBS.

Under the relative approach, any changes in a bank holding company's systemic indicator scores would have been driven by the bank holding company's systemic footprint relative to other global banking organizations and would have been less sensitive to background macroeconomic conditions, such as GDP growth. On the other hand, using a fixed approach would enable a GSIB to predict its potential future systemic indicator scores, better facilitating its ability to engage in capital planning. A fixed approach would also provide more certainty regarding the actions that the GSIB may be able to take to reduce its GSIB surcharge. Because the score would not be affected by the aggregate level of systemic indicators of other global firms, a given firm would be able to take actions to reduce its GSIB surcharge even if other firms were taking similar actions.

The final rule retains the relative approach for method 1, but adopts a fixed approach for method 2, as described further below. As a result, a firm will be identified as a GSIB and will be subject to a floor on its GSIB surcharge using the relative approach. The relative measure is appropriate for these purposes because it is less sensitive to changes in broader economic conditions. The relative measure also promotes comparability across jurisdictions implementing the BCBS framework. The fixed measure is appropriate for method 2, as it is more sensitive to an individual firm's systemic risk profile, independent of its global peers. A bank holding company would better predict its potential future systemic indicator scores under a fixed approach, which would permit the firm to identify actions it may be able to take to reduce its GSIB surcharge. As the method 2 surcharge is likely to be the applicable surcharge, it better enables a firm to manage its risk profile.

Scores calculated under the fixed approach could be influenced by factors unrelated to systemic risk such as general economic growth. Method 2 does not include an automatic mechanism to adjust for such potential effects in order to avoid unintended consequences.[25] Under the final rule, the scores depend on a range of different indicator variables, each of which measures a different aspect of systemic risk that exhibits its own specific behavior. It is unlikely that any simple and mechanical method for deflating the score can control for background movements in these indicators unrelated to systemic risk without affecting the resulting score's ability to measure each of these different aspects of systemic risk. The Board will periodically reevaluate the framework to ensure that factors unrelated to systemic risk do not have an unintended effect on a bank holding company's systemic indicator scores.

One commenter noted that it was unclear how the objective of measuring the risk that a U.S. banking organization poses to the stability of the U.S.

preamble, estimated scores for method 1 were produced using indicator data reported by firms on the FR Y–15 as of December 31, 2014, and global aggregate denominators reported by the Basel Committee on Banking Supervision as of December 31, 2013.

[24] *See* paragraph 18 of the Revised BCBS Document.

[25] For example, under a fixed approach scores could potentially increase over time as a result of general economic growth as the economy expands. One way to address this effect could be to deflate scores by the rate of economic growth. However, such an approach could have the unintended consequence that scores would increase procyclically in the event of an economic contraction, thereby potentially raising capital surcharges in a way that could further exacerbate the economic downturn.

financial system would be accomplished by calculating its percentage of the aggregate global indicator amounts.

The underlying assumption of this share-based approach is that the failure of a U.S. banking organization that makes up a significant proportion of the aggregate global indicator amounts under the systemic indicators would lead to a significant disruption of the U.S. financial system, as well as the global financial system.

B. Source of Systemic Indicator Information

Under the proposal, to determine whether it is a GSIB, a bank holding company identified the values for each systemic indicator that it reported on its most recent Banking Organization Systemic Risk Report (FR Y–15).The FR Y–15 is an annual report that gathers data on components of systemic risk from large bank holding companies to enable analysis of the systemic risk profiles of such firms.[26] The FR Y–15 was developed to facilitate the implementation of the GSIB surcharge and also is used to analyze the systemic risk implications of proposed mergers and acquisitions and to monitor, on an ongoing basis, the systemic risk profiles of bank holding companies subject to enhanced prudential standards under section 165 of the Dodd-Frank Act. All U.S. top-tier bank holding companies with total consolidated assets of $50 billion or more are required to file the FR Y–15 on an annual basis. The final rule relies on data collected on the FR Y–15, consistent with the proposal.

As noted above, the proposal measured each of a bank holding company's systemic indicator scores in proportion to the aggregate global indicator amount, defined as the annual dollar figure published by the Board that represents the sum of the systemic indicator scores of the 75 largest global banking organizations, as measured by the BCBS, and any other banking organization that the BCBS includes in its sample total for that year, converted into U.S. dollars and published by the Board. The 75 largest global banking organizations on which the aggregate global indicator amounts are based includes both U.S. and foreign banking organizations. As noted above, information from U.S. banking organizations is collected on the FR Y–15. Foreign jurisdictions collect information in connection with the GSIB surcharge framework developed by the BCBS that parallels the information collected on the FR Y–15. The aggregate global indicator amounts are denominated in euros and compiled and published by the BCBS on an annual basis along with foreign exchange rates.

Some commenters suggested that the proposed aggregate global indicator amounts (the denominator of the systemic indicator scores) be expanded to include a broader set of financial institutions than what was included in the proposal. For instance, commenters suggested that the proposal expand the global aggregate indicator amounts to include additional non-GSIB U.S. banking organizations, central counterparties, and nonbank financial companies supervised by the Board. The purpose of the GSIB surcharge is to address the systemic risks posed by the most systemic U.S. banking organizations, and the relative score reflects the types of systemic risk specifically posed by banking organizations. The Board continues to consider the systemic risk posed by nonbank financial companies, which may pose different risks to U.S. financial stability. Accordingly, the final rule incorporates the aggregate global indicator amounts as proposed. When developing prudential standards, the Board will continue to take into account the specific characteristics and potential risks posed by different types of financial institutions, including those of nonbank financial institutions.

Several commenters expressed concern with the proposed use of global data to compute the aggregate global indicator amounts. For instance, some commenters expressed the view that they were unable to evaluate the data collection process of foreign jurisdictions, and did not provide procedural and substantive safeguards. Commenters also expressed concern regarding the quality of the global data, suggesting that there may be inconsistencies between data reporting across jurisdictions and noting that foreign jurisdictions may not make their institutions' data public. Other commenters questioned the transparency and auditability of the measure and contended that it was unclear whether U.S. authorities would be able to audit the foreign data. Commenters also asked how restatements of data, if necessary, would flow into the denominator used to calculate a firm's systemic risk score. Commenters recommended that the Board delay finalizing the proposal until the method for calculating the aggregate global indicator amounts was clear and accessible to the public, and requested that the Board publish analysis on how instructions from other jurisdictions compares to U.S. instructions and that the Board make adjustments to U.S. rules if necessary.

Use of global data in calculating the GSIB surcharge is appropriate. The proposal explained how the aggregate global indicator amounts released by the BCBS are calculated, including a table listing each systemic indicator that is reported by the largest global banking organizations. Moreover, the proposal described the population of global banking organizations that report the data. The methodology relies on a global data source that has been in place for a number of years and which is collected based on processes and procedures that are publicly available. Each year, the BCBS publishes on its Web site the reporting form used by banking organizations included in the global sample for the purpose of the GSIB designation exercise, as well as detailed instructions to avoid differences in interpretations across jurisdictions.

Commenters also raised concerns regarding the quality of the global data. The BCBS has implemented data collection standards and auditing processes to ensure the quality, consistency, and transparency of the systemic indicator data reported by banking organizations across jurisdictions. The BCBS reporting instructions include standards for reporting the indicator totals and subcomponents, which require that firms have an internal process for checking and validating each item.[27] Member supervisory authorities are responsible for ensuring that their banking organizations are reporting accurate data. Under the BCBS framework, it is expected that national supervisory authorities will require banking organizations included in the global sample to publicly disclose the 12 indicators used in the assessment methodology in order to increase transparency. National authorities also have discretion under the framework to require that banking organizations

[26] *See* 77 FR 76487 (December 28, 2012). The Board subsequently revised the FR Y–15 in December 2013. *See* 78 FR 77128 (December 20, 2013). On July 9, 2015, the board invited comment on a proposal to revise the FR Y–15. *See* 80 FR 39433. Among other changes, the reporting proposal would have collected information on short-term wholesale funding based on the Board's proposed rule to establish GSIB surcharges. In connection with this final rule, the Board is amending the proposed short-term wholesale funding collection, and extending the comment period on the proposal to end 60 days after this final rule is published in the **Federal Register**.

[27] See the reporting instructions on the Bank for International Settlement's Web page ''Global systemically important banks: Assessment methodology and the additional loss absorbency requirement,'' available at *http://www.bis.org/bcbs/gsib/.*

disclose the full breakdown of the indicators as set out in the template, and many have opted to do so.[28] Moreover, the reporting form includes automated checks, and the BCBS, in collaboration with Board and other national supervisory staff, conducts a review of the data to be included in the global systemic indicators to serve as a final check for data that has been misreported. This process also compares prior-year submissions to identify whether there is a material change in a reported figure. To the extent that a banking organization's submissions raise questions, the BCBS team goes back to the regulator of the banking organization, which consults with the company to verify the accuracy of the submission. To date, inspections have identified issues that have required firms to resubmit data and have led to updates in the aggregate global indicator amounts. The Federal Reserve will continue to participate in the global data collection process to help ensure the continuing quality of the global data used in the final rule.

C. Computing the Applicable GSIB Surcharge

Under the proposal, a bank holding company with an aggregate systemic indicator score of 130 basis points or greater would be identified as a GSIB and, as such, would be subject to the higher of the two surcharges calculated under method 1 and method 2.

1. Method 1 Surcharge

As noted above, under the proposal, a bank holding company would have calculated its method 1 score using the same methodology used to determine whether the bank holding company was a GSIB. A bank holding company's method 1 score receives a surcharge in accordance with Table 2, below.

TABLE 2—PROPOSED METHOD 1 SURCHARGE

Method 1 score (basis points)	Method 1 surcharge
Less than 130.	0.0 percent (no surcharge).
130–229 ..	1.0 percent.
230–329 ..	1.5 percent.
330–429 ..	2.0 percent.
430–529 ..	2.5 percent.
530–629 ..	3.5 percent.
630 or greater.	3.5 percent plus 1.0 percentage point for every 100 basis point increase in score.

As reflected in Table 2, a GSIB would have been subject to a minimum capital surcharge of 1.0 percent. The minimum surcharge of 1.0 percent for all GSIBs accounts for the inability to know precisely where the cut-off line between a GSIB and a non-GSIB will be at the time failure occurs, and the purpose of the surcharge of enhancing resilience of all GSIBs. The surcharge increased in increments of 0.5 percentage points for each 100 basis-point band, up to a method 1 surcharge of 2.5 percent. If a GSIB's method 1 score exceeded 529, the GSIB would have been subject to a surcharge equal to 3.5 percent, plus 1.0 percentage point for every 100 basis point increase in score. Using current data, the method 1 score of the largest U.S. GSIB is estimated to be within the 2.5 percent band. By increasing the surcharge by 1.0 percentage point (instead of 0.5 percentage points), the proposed rule was designed to provide a disincentive to existing GSIBs to increase their systemic footprint.

As discussed above, the Board received comments on the proposed method 1 categories, the weighting of the categories, the relative approach, and the calibration method. For the reasons discussed in other sections, the final rule adopts method 1 surcharges without change.

2. Method 2 Surcharge

Under the proposed method 2, a GSIB would have calculated a score for the size, interconnectedness, complexity, and cross-jurisdictional activity systemic indicators in the same manner as it would have computed its aggregate systemic indicator score under method 1. Rather than using the method 1 substitutability category, under the proposed method 2, the GSIB would have used a quantitative measure of its use of short-term wholesale funding (short-term wholesale funding score). To determine its method 2 surcharge, a GSIB would have identified the method 2 surcharge that corresponds to its method 2 score, as identified in Table 3 below.

TABLE 3—METHOD 2 SURCHARGE

Method 2 score (basis points)	Method 2 surcharge
Less than 130.	0.0 percent (no surcharge).
130–229 ..	1.0 percent.
230–329 ..	1.5 percent.
330–429 ..	2.0 percent.
430–529 ..	2.5 percent.
530–629 ..	3.0 percent.
630–729 ..	3.5 percent.
730–829 ..	4.0 percent.
830–929 ..	4.5 percent.
930–1029	5.0 percent.
1030–1129.	5.5 percent.
1130 or greater.	5.5 percent plus 0.5 percentage point for every 100 basis point increase in score.

As reflected in Table 3, a GSIB would have been subject to a minimum capital surcharge of 1.0 percent under method 2.[29] Like the method 1 surcharge, the method 2 surcharge uses band ranges of 100 basis points, with the lowest band ranging from 130 basis points to 229 basis points. The method 2 surcharge increases in increments of 0.5 percentage points per band, including bands at and above 1130 basis points. As with the method 1 surcharge, the method 2 surcharge includes an indefinite number of bands in order to give the Board the ability to assess an appropriate surcharge should a GSIB become significantly more systemically important.

As discussed above in section II.A.2.b of this preamble, the final rule adopts a fixed approach for converting a bank holding company's systemic indicator value into its method 2 score, instead of measuring the systemic indicator value as relative to an annual aggregate global indicators. The fixed approach used in method 2 employs constants, described immediately below, that are based on the average of the aggregate global indicator amounts for each indicator for year-end 2012 to 2013.[30] The aggregate global indicator amounts are converted from euros to U.S. dollars using an exchange rate equal to the average daily foreign exchange spot rates from the period 2011–2013, rounded to five

[28] At least the following countries required their largest banking organizations to disclose the full breakdown of their end-2013 indicators: Austria, Belgium, France, Italy, the Netherlands, Norway, Spain, Sweden, the United Kingdom, and the United States.

[29] As noted above, the minimum surcharge of 1.0 percent for all GSIBs accounts for the inability to know precisely where the cut-off line between a GSIB and a non-GSIB will be at the time when a failure occurs, and the purpose of the surcharge of enhancing resilience of all GSIBs.

[30] Note that there is no comparable data for trading and AFS securities due to a definitional change, so only the end-2013 value is used in the calculation.

decimal places.[31] In developing the fixed coefficients, the Board analyzed data covering several years and found that averaging a global measure of a given systemic indicator amount over at least two years reduced the impact of short-term fluctuations of the aggregate global indicator amount, while improving the predictability of the score calculation.[32] To convert the global measure of a given systemic indicator amount to U.S. dollars, the final rule uses a three-year average exchange rate. A three-year average reduces potential volatility in the score that would be introduced by the volatility in daily spot-rates while reflecting more sustained changes in exchange rates.

The final rule assigns a constant, or coefficient, to each systemic indicator that includes the average aggregate global indicator amount, the indicator weight, the conversion to basis points, and doubling of firm scores. This reduces the steps that a GSIB must take to determine its method 2 score, as compared to the proposal. Presented in another manner, the method 2 indicator coefficients in the final rule are calculated as follows:[33]

Indicator weight/(average aggregate global indicator$_{(\text{in EUR})}$ * FX conversion rate$_{(\text{EUR to USD})}$) * 10,000 (conversion to basis points) * 2

These coefficients are set forth in Table 4, below:

TABLE 4—COEFFICIENTS FOR METHOD 2 SYSTEMIC INDICATORS[34]

Category	Systemic indicator	Coefficient value (%)
Size	Total exposures	4.423
Interconnectedness	Intra-financial system assets	12.007
	Intra-financial system liabilities	12.490
	Securities outstanding	9.056
Complexity	Notional amount of over-the-counter (OTC) derivatives	0.155
	Trading and available-for-sale (AFS) securities	30.169
	Level 3 assets	161.177
Cross-jurisdictional activity	Cross-jurisdictional claims	9.277
	Cross-jurisdictional liabilities	9.926

Use of a fixed approach improves the predictability of the scores and facilitates capital planning by GSIBs. It will also permit firms to calculate their method 2 scores as soon as they calculate their systemic indicator values, and not depend on publication of aggregate global figures as was the case under the proposal.

While the final rule's method 2 score has the advantages set forth above, the Board acknowledges that over time, a bank holding company's method 2 score may be affected by economic growth that does not represent an increase in systemic risk. To ensure changes in economic growth do not unduly affect firms' systemic risk scores, the Board will periodically review the coefficients and make adjustments as appropriate.

3. Short-Term Wholesale Funding

The proposed method 2 incorporated a measure of short-term wholesale funding in place of substitutability in order to address the risks presented by those funding sources. During periods of stress, reliance on short-term wholesale funding can leave firms vulnerable to runs that undermine financial stability. When short-term creditors lose confidence in a firm or believe other short-term creditors may lose confidence in that firm, those creditors have a strong incentive to withdraw funding quickly before withdrawals by other creditors drain the firm of its liquid assets. To meet its obligations, the borrowing firm may be required to rapidly sell less liquid assets, which it may be able to do only at fire sale prices that deplete the seller's capital and drive down asset prices across the market. Asset fire sales may also occur in a post-default scenario, as a defaulted firm's creditors seize and rapidly liquidate assets the defaulted firm has posted as collateral. These fire sales can result in externalities that spread financial distress among firms as a result of counterparty relationships or because of perceived similarities among firms, forcing other firms to rapidly liquidate assets in a manner that places the financial system under significant stress.

Several commenters expressed support for the inclusion of a short-term wholesale funding measure, claiming that short-term wholesale funding is more correlated to probability of failure than substitutability and that the proposal provides appropriate incentives to firms to reduce use of short-term wholesale funding. Other commenters objected to the inclusion of short-term wholesale funding in the GSIB surcharge, pointing to other regulatory initiatives that address liquidity concerns, such as the liquidity coverage ratio (LCR). Several commenters argued that the liquidity framework should be implemented before short-term wholesale funding is included as part of the GSIB surcharge. Another commenter expressed the view that capital is an ineffective tool to stem contagious runs because no reasonable amount of capital would be able to absorb mounting losses resulting from run-driven asset fire sales.

The final rule includes a short-term wholesale funding component because use of short-term wholesale funding is a key determinant of the impact of a firm's failure on U.S. financial stability. Increasing capital is an effective tool to reduce the risk of liquidity runs because capital helps maintain confidence in the firm among its creditors and counterparties. In addition, if runs do occur, additional capital buffers will increase the probability that the firm

[31] To determine the rounded foreign exchange conversion rate of 1.3350, the Board averaged the daily euro to U.S. dollar spot rates from 2011–2013 as published by the European Central Bank available at *https://www.ecb.europa.eu/stats/exchange/eurofxref/html/index.en.html.*

[32] The final rule chose a two year average, as there have not been dramatic fluctuations in the aggregate global indicator amounts over the last several years of available data (other than due to a definitional change for trading and AFS securities).

[33] For example, the coefficient value for the size category is calculated as follows: 20 percent (indicator weight)/(67,736 billion EUR (average of 2012–2013 aggregate global indicator) * 1.3350 EUR/USD) * 10,000 (conversion to bps) * 2, which is equivalent to the coefficient value of 4.423 percent in Table 4.

[34] The final rule presents the coefficients using five decimal places based on a review of the estimated scores of the largest five bank holding companies. Increasing the number of decimal places would have an immaterial difference on the systemic indicator scores of bank holding companies.

will be able to absorb losses without failing.

Furthermore, other liquidity measures, such as the LCR, do not fully address the systemic risks of short-term wholesale funding. The LCR generally permits the outflows from such liabilities to be offset using either high quality liquid assets or the inflows from short-term claims with a matching maturity. In cases where a firm uses short-term wholesale funding to fund a short-term loan, a run by the firm's short-term creditors could force the firm to quickly reduce the amount of credit it extends to its clients or counterparties. Those counterparties could then be forced to rapidly liquidate assets, including relatively illiquid assets, which might give rise to a fire sale.[35] Because the GSIB surcharge focuses only on a bank holding company's use of short-term wholesale funding and does not take into account the inflows, it complements the liquidity requirements imposed by the LCR.

One commenter argued that the proposal did not explain why the short-term wholesale funding indicator should replace the substitutability category rather than any of the other categories. As noted in the proposal, substitutability is relevant in determining whether a bank holding company is a GSIB, as the failure of a bank holding company that performs a critical function can pose significant risks to U.S. financial stability. However, use of short-term wholesale funding is a key determinant of the systemic losses resulting from a firm's failure.[36] As the GSIB surcharge is calibrated to equate the systemic loss of a GSIB's failure to the failure of a large non-GSIB, it is appropriate to replace the measures of substitutability with a measure of short-term wholesale funding.

One commenter contended that the Board should conduct a more structured data collection in relation to short-term wholesale funding to ensure dynamic monitoring and regulation of short-term wholesale funding activities by GSIBs and appropriate tailoring of regulatory regimes based on trends in these markets. Consistent with the commenter's suggestion, the Board invited comment on a proposal to collect information regarding a bank holding company's short-term wholesale funding sources on July 9, 2015.[37] In connection with this final rule, the Board is amending the proposed FR Y–15 collection in order to align the definition of short-term wholesale funding with the definition contained in the final rule. Comments on these amendments will be due 60 days after publication of the final rule in the **Federal Register**.

4. Calibration of GSIB Surcharge and Estimated Impact

As described in the proposal, the calibration of the GSIB surcharge was based on the Board's analysis of the additional capital necessary to equalize the expected impact on the stability of the financial system of the failure of a GSIB with the expected systemic impact of the failure of a large bank holding company that is not a GSIB (expected impact approach). Increased capital at a GSIB increases the firm's resiliency, thereby reducing its probability of failure and resulting in reduced expected systemic impact.

Some commenters expressed support for the proposed expected impact approach, suggesting that the approach would reduce the GSIBs' risk of failure and provide incentives for firms to restructure and reduce their systemic footprint. However, several commenters were critical of the expected impact approach as outlined in the proposal. Several commenters argued that the proposal did not include underlying empirical analysis to support the surcharge levels and argued that it was not possible to judge whether the proposal achieves its underlying aims. Further, commenters argued that the underlying analysis should be made public and the public given an opportunity to comment on that analysis.

Section 165 of the Dodd-Frank Act directs the Board to impose enhanced prudential standards that prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions. Because the failure of a GSIB may pose significant risk to U.S. financial stability, regulations under section 165 of the Dodd-Frank Act should be designed to lower the probability of default of such firms. One method of lowering the probability of default of a financial firm is to impose additional capital requirements on that firm. Imposing the GSIB surcharge on only the largest, most interconnected financial firms—the GSIBs—is consistent with the direction in section 165 of the Dodd-Frank Act that prudential standards be tailored and take into consideration capital structure, riskiness, complexity, financial activities, size, and other risk-related factors.

In connection with this final rule, the Board has benefitted from the information, suggestions, and analysis provided by commenters. To help explain how the Board has analyzed this and other information available to it, the Board is publishing with this rule a white paper that supplements the calibration outlined in the final rule and the rationale for the surcharge levels that apply under the rule.[38] The white paper expands on the expected impact approach described in the proposed rule, describes the assumptions necessary to that approach, and helps explain the assumptions underlying and the analytical framework supporting the final rule. The Board has incorporated that analysis in its consideration and is publishing the white paper to make it more accessible to the public.

As discussed more fully in the white paper, under the expected impact approach, the GSIB surcharge is calibrated to reduce the expected impact of a GSIB's failure to equal that of a large banking organization that is not a GSIB, which the white paper refers to as the ''reference BHC'' (*r*). In terms of systemic loss given default (LGD), probability of default (PD), and expected systemic loss from default (EL), this approach is expressed symbolically as follows:

$EL_{GSIB} = EL_r$,

where:

$EL = LGD * PD$

Since LGD_{GSIB} is (by the definition of GSIB) greater than LGD_r, satisfying the equation requires PD_{GSIB} to be reduced below PD_r. For example, if a given GSIB's loss given default is twice as great as that associated with the reference BHC, then that GSIB's probability of default must be reduced to half of the reference BHC's probability of default. This rule achieves that goal by subjecting the GSIB to a capital surcharge, since a larger capital buffer allows a firm to absorb a larger amount of losses without failing.

Several components are necessary to operationalize the expected impact framework: A metric for quantifying a BHC's systemic loss given default (that is, its systemic footprint); a reference BHC with an LGD score that can be compared to the scores of the GSIBs; and a function for evaluating the

[35] The risk described here is similar to the risk associated with matched books of securities financing transactions, which is discussed in *http://www.federalreserve.gov/newsevents/speech/tarullo20131122a.htm.*

[36] Id.

[37] *See* 80 FR 39433.

[38] *See Calibration of the GSIB Surcharge.* The Board relied on the white paper and its explanations and analysis in this rulemaking and incorporates it by reference.

amount of additional capital that is necessary to cut a BHC's probability of default by a desired fraction.

The white paper quantifies firms' systemic loss given default using the final rule's method 1 and method 2. It also discusses several plausible choices of reference BHC and the scores associated with those choices under each of the two methods. The expected impact framework requires that the reference BHC be a non-GSIB, but it leaves room for discretion as to the reference BHC's identity and LGD score. The white paper explores several options for choosing a reference BHC and the surcharges that stem from these options. The reference BHC choices considered are (1) a representative bank holding company with $50 billion in total assets (a threshold used by section 165 of the Dodd-Frank Act to determine which bank holding companies should be subjected to enhanced prudential standards in order to promote financial stability); (2) a representative BHC with $250 billion in total assets (a threshold used by the Board to identify advanced approaches bank holding companies); (3) the actual U.S. non-GSIB with the highest score under each method (that is, the most systemically important U.S. bank holding company that is not a GSIB); and (4) a hypothetical bank holding company with a score somewhere in between the score of the most systemic U.S. non-GSIB and the score of the least systemic GSIB.

Within option 4, the white paper identifies a hypothetical bank holding company with a score between the score of the least systemic GSIB and the score of the most systemic U.S. non-GSIB for both method 1 and method 2. For each method, the Board considered where the range between the lowest scoring GSIB and a highest scoring non-GSIB would lie, and considered several options for a cut-off line within the target range. For method 1, that gap lies between the bank holding company with the eighth-highest score (146), and the bank holding company with the ninth-highest score (51).[39] As discussed in the white paper, drawing the cut-off line within this target range is reasonable because firms with scores at or below 51 were much closer in size and complexity to financial firms that have previously been resolved in an orderly fashion than they were to the largest financial firms, which had scores between three and nine times as high and are significantly larger and more complex.

The Board has chosen a cut-off line of 130 for method 1, which is at the upper end of the target range. This choice is appropriate because it aligns with international standards and facilitates comparability among jurisdictions.

For method 2, the white paper identifies the gap between Bank of New York Mellon and the next-highest-scoring firm as the most rational place to draw the line between GSIBs and non-GSIBs: BNYM's score is roughly 251 percent of the score of the next highest-scoring firm. (There is also a large gap between Morgan Stanley's score and Wells Fargo's, but the former is only about 154 percent of the latter.) Furthermore, using this approach generates the same list of eight U.S. GSIBs as is produced by method 1.

The Board has chosen the lower end of the target range for purposes of method 2. In determining the appropriate threshold method 2, the Board considered that the statutory mandate to protect U.S. financial stability argues for a method of calculating surcharges that addresses the importance of mitigating the effects on financial stability of the failure of U.S. GSIBs, which are among the most systemically important financial institutions in the world. The lower cut-off line is appropriate in light of the fact that method 2 uses a measure of short-term wholesale funding in place of substitutability. Specifically, short-term wholesale funding has particularly strong contagion effects that could more easily lead to major systemic events, both through the freezing of credit markets and through asset fire sales. Further, although the failure of a large, non-GSIB poses a smaller risk to financial stability than does the failure of one of the eight GSIBs, it is nonetheless possible that the failure of a very large banking organization that is not a GSIB could have a negative effect on financial stability, particularly during a period of industry-wide stress such as occurred during the 2007–2008 financial crisis. This provides further support for setting the cut-off line for method 2 at the lower end of the target range.

To implement the expected impact approach, the white paper provides a framework that relates capital ratio increases to reductions in probability of default. The white paper uses approximately three decades' worth of data on the return on risk-weighted assets (RORWA) of the fifty largest U.S. bank holding companies to determine the probability distribution of losses (that is, negative RORWAs) of various magnitudes by large U.S. bank holding companies. The probability that a bank holding company will default within a given time period is the probability that it will take losses within that time period that exceed the difference between its capital ratio at the beginning of the time period and a ''failure point'' beyond which the firm is unable to recover and ultimately defaults. Thus, the historical data on RORWA probabilities can be used to create a function that relates a firm's capital ratio to the probability that it will suffer a loss that causes it to default.

By combining these three components, a capital surcharge can be assigned to GSIBs based on their LGD scores. This can be done by finding the ratio between a reference bank holding company's score (under each method) and a GSIB's score and then finding the capital surcharge that the GSIB must meet to equate that ratio with the ratio of the GSIB's probability of default to the reference BHC's probability of default. This analysis produces a range of capital surcharges for a given method 1 or method 2 score, which vary depending on the choice of reference BHC.

Based on this analysis, the Board determined to apply surcharges to discrete ''bands'' of scores. The surcharges correspond to the Board's analysis of the various options for reference BHCs, including a reference BHC score of 130 for purposes of method 1 and a reference BHC score at or around 100 for purposes of method 2.

Under both method 1 and method 2, GSIBs with a score between 130 and 229 will be subject to a surcharge of 1.0 percentage points. The minimum surcharge of 1.0 percent for all GSIBs accounts for the inability to know precisely where the cut-off line between a GSIB and a non-GSIB will be at the time when a failure occurs, and the purpose of the surcharge of enhancing the resilience of all GSIBs.

Above the first band, the method 1 and method 2 scores rise in increments of one half of a percentage point.[40] This

[39] These estimated scores may not reflect the actual scores of a given firm, and they will change over time as each firm's systemic footprint grows or shrinks. Estimated scores for method 1 were produced using indicator data reported by firms on the FR Y–15 as of December 31, 2014, and global aggregate denominators reported by the Basel Committee on Banking Supervision as of December 31, 2013. Estimated scores for method 2 were produced using the same indicator data and the average of the global aggregate denominators reported by the BCBS as of the ends of 2012 and 2013. For the eight U.S. BHCs with the highest scores, the short-term wholesale funding component of method 2 was estimated using liquidity data collected through the supervisory process and averaged across 2014.

[40] Method 1 scores above 530 are associated with surcharge bands that rise in increments of 1.0 percentage points. The heightened increment associated with the fifth band under method 1 was designed to provide a strong disincentive for further increases in systemic footprint.

sizing was chosen to ensure that modest changes in a firm's systemic indicators will generally not cause a change in its surcharge, while at the same time maintaining a reasonable level of sensitivity to changes in a firm's systemic footprint. Because small changes in a firm's score will generally not cause a change to the firm's surcharge, using surcharge bands will facilitate capital planning by firms subject to the rule.

In both methods, the bands are equally sized at 100 basis points per band. In developing the band structure, the Board also considered sizing the bands using the logarithmic function implied by the model used to relate a firm's score to its surcharge. A logarithmic function would result in smaller bands at lower scores and larger bands at higher scores. Larger surcharge bands for the most systemically important firms would allow these firms to expand their systemic footprint materially within the band without augmenting their capital buffers. As discussed further in the white paper, the Board determined that fixed-width bands were more appropriate than logarithmically sized bands for several reasons.

For example, while the historical RORWA dataset used to derive the function relating a firm's LGD score to its surcharge contains many observations for relatively small losses, it contains far fewer observations of large losses of the magnitude necessary to cause the failure of a firm that has a very large systemic footprint because losses of that magnitude are much less common than smaller losses. The data set is also limited because the frequency of extremely large losses would likely have been higher in the absence of extraordinary government actions taken to protect financial stability, especially during the 2007–2008 financial crisis. This may mean that firms need to hold more capital to absorb losses in the tail of the distribution than the historical data would suggest. Finally, the data set are subject to survivorship bias, in that a given bank holding company is only included in the sample up until the point where it fails (or is acquired). If a firm fails in a given quarter, then its experience in that quarter is not included in the data set, and any losses realized during that quarter (including losses realized only upon failure) are therefore excluded from the dataset, leading to an underestimate of the probability of such large losses. Given this uncertainty, and in light of the Board's mandate under section 165 of the Dodd-Frank Act to impose prudential standards to mitigate risks to financial stability, the Board has determined that a higher threshold of certainty should be imposed on the sufficiency of capital requirements for the most systemically important financial institutions.

The white paper also discusses two alternatives to the expected impact framework for calibrating GSIB capital surcharges. The first alternative is an economy-wide cost-benefit analysis, which would weigh the costs of higher capital requirements for GSIBs (such as a potential temporary decline in credit intermediation) against the benefits (most notably, a reduction in the frequency and severity of financial crises). Although analytical work by the BCBS suggests that capital ratios higher than those that will apply under the final rule would produce net benefits to the economy, the white paper does not use this framework as the primary calibration framework because its results are highly sensitive to a number of factors, including assumptions regarding the probability of and harm caused by economic crises, the extent to which higher capital requirements might reduce credit intermediation by firms subject to those requirements, the rate at which other firms would expand their output of credit intermediation, and the harm associated with a given diminution in credit intermediation.

The second alternative is to calibrate the surcharge by determining the surcharge necessary to offset any funding advantage that GSIBs may derive from market participants' perception that the government may resort to extraordinary measures to rescue them if they come close to failure. Although any such funding advantage creates harmful economic distortions, the primary harm associated with GSIBs is the risk that their failure would pose to financial stability. Moreover, the size of any such funding advantage for an individual GSIB is very difficult to estimate. Accordingly, the white paper focuses on the expected impact framework rather than the funding-advantage-offset framework.

Several commenters questioned why proposed method 2 produced higher surcharges, and why the inputs to the method 2 score are doubled. As discussed more fully in the white paper, the expected impact analysis suggests this doubling of scores originally included in the proposal is not relevant to the calculation of surcharges. Rather, as noted above, the higher method 2 surcharges result from the selection of a reference BHC at the lower end of the gap between a GSIB and a large non-GSIB.[41] This better aligns the surcharge with the risks presented by U.S. GSIBs to U.S. financial stability and the risks presented by short-term wholesale funding. Method 2 raw scores were doubled to permit comparability between scores produced under method 1 and method 2.

Several commenters expressed concern that the proposed calibration based on the expected impact approach did not take into account existing and forthcoming regulatory reforms, such as the LCR, net stable funding ratio (NSFR), and enhanced supplementary leverage ratio. The Board recognizes that most of the historical RORWA data used to calibrate the surcharge predate those reforms. If those reforms lower the probabilities of default of GSIBs for a given level of capital to a greater extent than they do for non-GSIBs (such as the reference BHC), then the historical data may overestimate the required surcharge levels. At the same time, however, the historical data may underestimate probabilities of default for GSIBs due to the fact that during certain time periods included within the sample (particularly the 2007–2008 financial crisis), the U.S. government took certain extraordinary actions to protect financial stability, and, without these interventions, large banking firms likely would have incurred substantially greater losses. Because a key purpose of post-crisis regulation is to ensure that such extraordinary government actions are not necessary in the future, an ideal data set would show the losses that would have occurred in the absence of government intervention and would thus include a higher incidence of significant losses. Accordingly, there are reasons to believe that the historical data overestimate the probability of large losses and there are reasons to believe that those data underestimate the probability of large losses. Given this balance of uncertainties, it is appropriate to treat the historical data as reasonably representative of future loss probabilities for large bank holding companies.

Commenters also contended that the proposal did not clarify the characteristics of the large but not systemically important bank holding company that served as the reference point for the calibration. This topic is addressed in detail by the white paper; as discussed above, the white paper sets

[41] This is because the surcharges that result from the framework applied by the white paper depend only on the *ratios* between the GSIBs' scores and the score of the reference BHC; changes to the absolute values of these scores do not affect the resulting surcharges so long as those ratios remain the same.

forth and evaluates four potential choices of reference BHC. Further, at least one commenter noted that the BCBS study referenced in the proposal was not specifically targeted at large U.S. banking organizations. As discussed above and in the white paper, the BCBS long-term economic impact study is not directly relevant to the primary framework used to calibrate the GSIB surcharge (that is, the expected impact framework). However, although the BCBS study did not limit its analysis to capital requirements for U.S. GSIBs, the study nonetheless provides helpful context to inform the calibration of the GSIB surcharge.

Some commenters expressed concern regarding the calibration's basis in the expected impact approach, arguing that, if failure is assumed, then pre-failure capital is likely to have no effect or only a limited effect on systemic impact. As discussed above, the expected impact framework does not ''assume'' failure; rather, it considers the harms that failure would cause and then considers the level of capital necessary to reduce the probability of failure to a level that is consistent with the purposes of the Dodd-Frank Act. Additional capital is a highly effective means of reducing a banking organization's probability of failure.

5. Costs and Benefits of the Proposal

The Board sought comment on the potential costs of the proposed GSIB surcharge, and the potential impacts of the proposed framework on economic growth, credit availability, and credit costs in the United States. Some commenters suggested that the surcharges were supported by existing cost benefit analyses and would deliver substantial net economic benefits. However, several other commenters raised concern that the higher standards on U.S. GSIBs would inhibit lending, market-making, and the provision of liquidity by the financial sector, or would impose costs on other market participants. Commenters contended that these concerns were particularly relevant in light of the introduction of higher regulatory requirements in the United States across several areas.

While the GSIB surcharge may cause firms to hold additional capital, any costs on individual institutions and markets from the GSIB capital surcharge must be viewed in light of the benefits of the rule to U.S. financial stability more broadly. Notwithstanding the extraordinary support provided by U.S. and foreign governments, it is worth noting that the 2007–2008 crisis imposed significant costs on the financial markets and the real economy. Additional capital at the largest, most interconnected institutions, is intended to reduce the likelihood that the failure or material financial distress of these institutions will again pose a threat to U.S. financial stability. In particular, additional capital increases the resiliency of institutions, reducing the likelihood of failure and thereby protecting the firm's creditors and counterparties, as well as the U.S. government and taxpayers. Additional capital also decreases the risk that distress at any particular firm will be transmitted throughout the financial system through mechanisms such as fire sales of assets, thereby causing or exacerbating a financial crisis. Further, it enables a firm during a period of wider financial crisis to continue operations and, if need be, step into the place of distressed firms, limiting the impact of wider financial system stress on financial intermediation and reducing the adverse impact on the real economy.

In addition, the costs of the final rule on individual institutions are mitigated in light of the phased implementation of the final rule. First, the GSIB surcharge is phased-in over several years, from January 1, 2016, to December 31, 2018, which allows firms time to accumulate additional capital if necessary or to take actions to reduce their surcharges in the interim.

In light of the timeframe for implementation of the final rule, it is not anticipated that the final rule would have significant adverse impacts on any specific financial markets. The Board intends to monitor the impacts of the enhanced prudential standards on financial institutions and markets more broadly, and to continue to evaluate whether these standards strike the appropriate balance between the costs imposed on institutions and financial markets and the benefits to U.S. financial stability.

Some commenters argued that GSIB surcharges would add to the complexity and opacity of the regulatory capital and stress-testing requirements, and that these measures impose substantial compliance costs on banking organizations. Suggestions on how to address this issue included an approach where firms could choose to hold substantially more capital in return for regulatory relief in other areas. Several commenters expressed concerns about the continued reliance by regulators on the existing risk-based capital regime, with some arguing that greater emphasis should be placed on the leverage ratio.

Several commenters argued that the proposed rule could result in competitive disadvantages to the detriment of the U.S. financial system and economy, particularly in light of other prudential measures. Other commenters suggested that the Board conduct a study of the effect of the proposed surcharges on the U.S. financial system and wider economy. Commenters also raised concerns that the proposed rule would cause financial activities to move to unregulated financial institutions.

The goal of the GSIB surcharge is to increase the resiliency of the largest U.S. banking organizations, which is likely to result in lower costs of funding for these institutions and a safer, more stable U.S. financial system. As discussed above, these measures are necessary to address the risks to U.S. financial stability posed by the U.S. GSIBs, notwithstanding the fact that some foreign regulators may impose lower surcharges on banking organizations in their jurisdictions. Notably, certain jurisdictions have imposed capital surcharges on their largest bank holding companies in excess of GSIB surcharges under the BCBS framework.[42]

The Board continues to monitor the effects of its regulation on the competitiveness of U.S. GSIBs as compared to foreign banking organizations and unregulated entities. The Board is actively coordinating with the Financial Stability Oversight Council in these efforts and will take action as necessary.

Some commenters expressed concern that a GSIB surcharge would foster rather than correct the impression that certain firms are too-big-to-fail (if a perception that firms were too-big-to-fail was still in place). To the extent that GSIBs continue to enjoy a ''too-big-to fail'' funding subsidy, the surcharge will help offset this subsidy and cancel out the undesirable effects.

One commenter argued that the proposal did not include any analysis that would fulfill the Federal Reserve's obligations under the Riegle Community Development and Regulatory

[42] For example, the Swedish authorities require their GSIBs to hold an additional 5.0 percent of risk-weighted assets in common equity tier 1 capital as of January 1, 2015 (*see http://www.fi.se/upload/90_English/20_Publications/20_Miscellanous/2014/kapital_eng.pdf*). In the Netherlands, the De Nederlandsche Bank imposed an additional buffer of 3.0 percent of risk-weighted assets in common equity tier 1 capital for Dutch GSIBs (*see http://www.dnb.nl/en/news/news-and-archive/dnbulletin-2014/dnb306988.jsp*). The Swiss framework for systemically important financial institutions requires such firms to hold at least and additional 3.0 percent of risk-weighted assets in common equity tier 1 capital in addition to the Basel standard requirement of 7.0 percent (4.5 percent minimum plus 2.5 percent capital conservation buffer) (*see* Addressing ''Too Big to Fail,'' The Swiss SIFI Policy, June 23, 2011 available at *https://www.finma.ch/en*).

Improvement Act (Riegle Act), which requires the Federal banking agencies to consider benefits any administrative burdens that regulations place on depository institutions. The Riegle Act requires a federal banking agency to consider administrative burdens and benefits in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on a depository institution.[43] Neither the proposal nor the final rule imposes additional reporting, disclosure, or other requirements on a depository institution. Rather, only certain large U.S. bank holding companies are subject to the rule.

D. Augmentation of the Capital Conservation Buffer

Under the proposed rule, the GSIB surcharge augmented the regulatory capital rule's capital conversation buffer.[44] Under the regulatory capital rule, a banking organization must maintain a minimum common equity tier 1 capital requirement of 4.5 percent, a minimum tier 1 capital requirement of 6.0 percent, and a minimum total capital requirement of 8.0 percent. In addition to those minimums, in order to avoid limits on capital distributions and certain discretionary bonus payments, a banking organization must hold a capital conservation buffer composed of common equity tier 1 capital equal to more than 2.5 percent of risk-weighted assets following a phase-in period. The capital conservation buffer is divided into quartiles, each associated with increasingly stringent limitations on capital distributions and certain discretionary bonus payments as the capital conservation buffer approaches zero.[45]

Commenters generally supported the proposal for implementing the GSIB surcharge by augmenting the capital conservation buffer. The Board is finalizing this aspect of the proposal without change. Under the final rule, following a phase-in period, the GSIB surcharge expands each quartile of a GSIB's capital conservation buffer by the equivalent of one fourth of the GSIB surcharge.[46] The minimum common equity tier 1 capital requirement for banking organizations is 4.5 percent, which, when added to the capital conservation buffer of 2.5 percent, results in a banking organization needing to maintain a common equity tier 1 capital ratio of more than 7.0 percent to avoid limitations on distributions and certain discretionary bonus payments. Under the final rule, this 7.0 percent level would be further increased by the applicable GSIB surcharge. The mechanics of the capital conservation buffer calculations, after incorporating the GSIB surcharge, are illustrated in the following example.[47] A bank holding company has a method 1 score of 350, and thus would be identified as a GSIB. This method 1 score corresponds to a 2.0 percent surcharge. The GSIB has a method 2 score of 604 which corresponds to a surcharge of 3.0 percent. As the method 2 surcharge is larger than the method 1 surcharge, the GSIB would be subject to a GSIB surcharge of 3.0 percent. As a result, in order to avoid payout ratio limitations under the final rule, the GSIB must maintain a common equity tier 1 capital ratio in excess of 10 percent (determined as the sum of the minimum common equity tier 1 capital ratio of 4.5 percent plus an augmented capital conservation buffer of 5.5 percent). In determining the effect on capital distributions and certain discretionary bonus payments, each of the four quartiles of the GSIB's capital conservation buffer would be expanded by one fourth of its GSIB surcharge, or by 0.75 percentage points.

The proposal noted that the Board was analyzing whether the capital plan and stress test rules should also incorporate the GSIB surcharge.[48] One commenter supported inclusion of the GSIB surcharge in the Comprehensive Capital Analysis and Review (CCAR). However, other commenters argued that the GSIB surcharge should not be included in CCAR as a post-stress minimum capital ratio. These commenters asserted that buffers should be available during times of stress, and treating the GSIB surcharge as a minimum ratio would not be consistent with such a goal. Similarly, commenters argued that incorporating the GSIB buffer into CCAR is inconsistent with the primary objective of CCAR to ensure post-stress going-concern viability. Further, commenters argued that CCAR was already more stringent on firms with significant trading operations due to the add-on global market scenario and counterparty default scenario.

The Board is currently considering a broad range of issues related to the capital plan and stress testing rules, including how the rules interact with other elements of the regulatory capital rules, such as the GSIB surcharge, and whether any modifications may be appropriate.[49]

E. Implementation and Timing

The proposed rule included provisions regarding both initial and ongoing applicability of the GSIB surcharge requirements. As noted above, the final rule revises the applicability threshold so that it includes only advanced approaches Board-regulated institutions.

1. Ongoing Applicability

Subject to the initial applicability provisions described in section II.E.2 of this preamble, a bank holding company that becomes an advanced approaches Board-regulated institution must begin calculating its aggregate systemic indicator score under method 1 by December 31 of the calendar year after the year in which it became an advanced approaches Board-regulated institution. Initially, the bank holding company will calculate its method 1 score using data as of the same year in which it became an advanced approaches Board-regulated institution, including information reported on the FR Y–15 and aggregate global indicator amounts provided by the Board. For example, if an institution becomes an advanced approaches bank holding company based on data as of December 31, 2019, it would use information it reported on the FR Y–15 as of December 31, 2019, and aggregate global indicator amounts published by the Board in the fourth quarter of 2020 to calculate its method 1 score by December 31, 2020.

If the advanced approaches Board-regulated institution's aggregate systemic indicator score under method 1 meets or exceeds 130 basis points, the bank holding company would be identified as a GSIB, and would be required to calculate its GSIB surcharge (using both method 1 and method 2) at that time. Like the calculation of the method 1 score, the GSIB will calculate its method 2 score using information it reports on the FR Y–15 as of the previous year-end. However, in place of

[43] 12 U.S.C. 4802.

[44] 12 CFR 217.11(a).

[45] *See id.*

[46] Separate from the possible expansion of the capital conservation buffer set forth in this final rule, the capital conservation buffer could also be expanded by any applicable countercyclical capital buffer amount. *See* 12 CFR 217.11(b).

[47] For the purposes of this example, all regulatory capital requirements are assumed to be fully phased in.

[48] The capital plan rule (implemented by CCAR) evaluates a bank holding company's capital adequacy, capital adequacy process, and planned capital distributions, such as dividend payments and common stock repurchases. The stress test rules establish a forward-looking quantitative evaluation of the impact of stressful economic and financial market conditions on the capital position of banking organization, using hypothetical set of adverse economic conditions as designed by the Board.

[49] *See* 12 CFR 225.8 and 12 CFR part 252.

the aggregate global indicator amounts used in the calculation of the method 1 score, the GSIB's method 2 score will use the fixed coefficients set forth in the final rule.[50]

The GSIB will have an additional year after calculating its method 1 and method 2 scores to implement its GSIB surcharge. In the example above, the GSIB surcharge would be calculated by December 31, 2020, but would not take effect until January 1, 2022.

After the initial GSIB surcharge is in effect, if a GSIB's systemic risk profile changes from one year to the next such that it becomes subject to a higher GSIB surcharge, the higher GSIB surcharge will not take effect for a full year (that is, two years from the systemic indicator measurement date). If a GSIB's systemic risk profile changes such that the GSIB would be subject to a lower GSIB surcharge, the GSIB would be subject to the lower surcharge beginning in the next calendar year.

2. Initial Applicability

For the eight bank holding companies that are expected to qualify as GSIBs, the GSIB surcharge will be phased in from January 1, 2016, to January 1, 2019.[51] This phase-in period was chosen to align with the phase-in of the capital conservation buffer and any applicable countercyclical capital buffer, as well as the phase-in period of the BCBS framework. Table 6 shows the regulatory capital levels that a GSIB must satisfy to avoid limitations on capital distributions and certain discretionary bonus payments during the applicable transition period, from January 1, 2016, to January 1, 2019.

TABLE 6—REGULATORY CAPITAL LEVELS FOR GSIBS[52]

	Jan. 1, 2016	Jan. 1, 2017	Jan. 1, 2018	Jan. 1, 2019
Capital conservation buffer	0.625%	1.25%	1.875%	2.5%.
GSIB surcharge	25% of applicable GSIB surcharge.	50% of applicable GSIB surcharge.	75% of applicable GSIB surcharge.	100% of applicable GSIB surcharge.
Minimum common equity tier 1 capital ratio + capital conservation buffer + applicable GSIB surcharge.	5.125% + 25% of applicable GSIB surcharge.	5.75% + 50% of applicable GSIB surcharge.	6.375% + 75% of applicable GSIB surcharge.	7.0% + 100% of applicable GSIB surcharge.
Minimum tier 1 capital ratio + capital conservation buffer + applicable GSIB surcharge.	6.625% + 25% of applicable GSIB surcharge.	7.25% + 50% of applicable GSIB surcharge.	7.875% + 75% of applicable GSIB surcharge.	8.5% + 100% of applicable GSIB surcharge.
Minimum total capital ratio + capital conservation buffer + applicable GSIB surcharge.	8.625% + 25% of applicable GSIB surcharge.	9.25% + 50% of applicable GSIB surcharge.	9.875% + 75% of applicable GSIB surcharge.	10.5% + 100% of applicable GSIB surcharge.

The GSIB surcharge in effect on January 1, 2016, must be calculated by December 31, 2015. All components (other than short-term wholesale funding) will be based on the systemic indicator scores reported by a GSIB on the FR Y–15 as of December 31, 2014, and the aggregate global indicator amounts published by the Board in the fourth quarter of 2014. The short-term wholesale funding score will be based on the average of its weighted short-term wholesale funding amounts calculated for July 31, 2015, August 24, 2015, and September 30, 2015. These days were chosen to reduce burden on GSIBs, as GSIBs can use data that they are otherwise reporting to the Federal Reserve. GSIBs will also use this method to compute their short-term wholesale funding score for purposes of the GSIB surcharge calculated in 2016. For the surcharge calculated in 2017, and for all surcharges thereafter, GSIBs will compute their short-term wholesale funding score using average daily short-term wholesale funding amounts. As discussed in section IV of this preamble, the Board has proposed to collect these data on the FR Y–15.

Bank holding companies that are not expected to qualify as GSIBs do not currently report short-term wholesale funding data to the Federal Reserve on the same basis that the bank holding companies expected to qualify as GSIBs report. Accordingly, to the extent that such a firm becomes a GSIB on or before December 31, 2016, the GSIB surcharge calculated on or before December 31, 2016, will equal the method 1 surcharge of the bank holding company.

Table 7 sets forth the reporting and compliance dates for the GSIB surcharge described above.

TABLE 7—GSIB SURCHARGE REPORTING AND COMPLIANCE DATES DURING PHASE-IN PERIOD

Date	Occurrence
November 2015	BCBS publishes aggregate global indicator amounts using 2014 data, and the Board publishes the aggregate global indicator amounts for use by U.S. bank holding companies shortly thereafter.
December 31, 2015	Bank holding companies identified as GSIBs must calculate their GSIB surcharges using year-end 2014 systemic indicator scores and short-term wholesale funding data as of July 31, August 24, and September 30, 2015.
	Advanced approaches bank holding companies must calculate their method 1 score using year-end 2014 systemic indicator scores.
January 1, 2016	Bank holding companies identified as GSIBs are subject to the GSIB surcharge (as phased in) calculated by December 31, 2015.
March 2016	FR Y–15 filing deadline reflecting bank holding company systemic indicator values and scores as of December 31, 2015.

[50] As discussed in section IV of this preamble, the Board invited comment on a proposed new schedule to the FR Y–15 to collect information necessary to calculate a firm's short-term wholesale funding score on July 9, 2015. In connection with this final rule, the Board is amending the proposed schedule to align the calculation of short-term wholesale funding with the final rule's definition.

[51] These bank holding companies correspond to those with more than $700 billion in total assets as reported on the FR Y–9C as of December 31, 2014, or more than $10 trillion in assets under custody as reported on the FR Y–15 as of December 31, 2014.

[52] Table 6 assumes that the countercyclical capital buffer is zero.

TABLE 7—GSIB SURCHARGE REPORTING AND COMPLIANCE DATES DURING PHASE-IN PERIOD—Continued

Date	Occurrence
November 2016	BCBS publishes aggregate systemic indicator amounts using 2015 data, and the Board publishes the aggregate global indicator amounts for use by U.S. bank holding companies shortly thereafter.
December 31, 2016	Bank holding companies identified as GSIBs must calculate their GSIB surcharge using year-end 2015 systemic indicator scores and short-term wholesale funding data as of July 31, August 24, and September 30, 2015. Advanced approaches bank holding companies must calculate their method 1 score using year-end 2015 systemic indicator scores.
January 1, 2017	If the GSIB surcharge calculated by December 31, 2016, decreases, the GSIB is subject to that lower GSIB surcharge (as phased in) (if the GSIB surcharge increases, the increased GSIB surcharge comes into effect beginning on January 1, 2018 (as phased in)).
March 2017	FR Y–15 filing deadline reflecting bank holding company systemic indicator values and scores as of December 31, 2016.
November 2017	BCBS publishes aggregate systemic indicator amounts using 2016 data, and the Board publishes the aggregate global indicator amounts for use by U.S. bank holding companies shortly thereafter.
December 31, 2017	Bank holding companies identified as GSIBs must calculate their GSIB surcharge using year-end 2016 systemic indicator scores and 2016 short-term wholesale funding data. Advanced approaches bank holding companies must calculate their method 1 score using year-end 2016 systemic indicator scores.
January 1, 2018	If the GSIB surcharge calculated by December 31, 2017, decreases, the GSIB is subject to that lower GSIB surcharge (if the GSIB surcharge increases, the increased GSIB surcharge comes into effect beginning on January 1, 2019).

III. Indicators of Global Systemic Risk

As described above, the proposed rule determined the systemic scores and GSIB surcharges of bank holding companies using six components under two methodologies, method 1 and method 2, which are indicative of the global systemic importance of bank holding companies. There is general global consensus that each category included in the BCBS framework is a contributor to the risk a banking organization poses to financial stability.[53] Short-term wholesale funding is also indicative of systemic importance, and this component is included in method 2.

A. Size

The proposal used size as a category of systemic importance. A banking organization's distress or failure is more likely to negatively impact the financial markets and the economy more broadly if the banking organization's activities comprise a relatively large share of total financial activities. Moreover, the size of exposures and volume of transactions and assets managed by a banking organization are indicative of the extent to which clients, counterparties, and the broader financial system could suffer disruption if the firm were to fail or become distressed. In addition, the larger a banking organization is, the more difficult it generally is for other firms to replace its services and, therefore, the greater the chance that the banking organization's distress or failure would cause disruption. Under the proposal, size was measured by total exposures, which was equal to the bank holding company's measure of total leverage exposure calculated pursuant to the regulatory capital rule.[54]

One commenter contended that, under the proposal, the size indicator would effectively be weighted by more than 20 percent under both method 1 and method 2, because other indicators are strongly correlated with size, and therefore suggested that the size indicator be weighted less than 20 percent or that caps be used to limit its impact. As discussed above, there is general global consensus that each category included in the framework is a critical contributor to the losses imposed on the system given a firm's default, and the equal weighting was proposed because each of the five factors contributes to the effect the failure of a firm will have on financial stability, and the particular score a firm will receive on a given factor will depend on its unique characteristics relative to the group of firms.[55] Accordingly, the final rule assigns an equal weighting to each category, and the Board intends to reassess the regime at regular intervals to ensure that equal weighting remains appropriate.

Under the final rule, a bank holding company's size is measured by total exposures, which would mean the bank holding company's measure of total leverage exposure calculated pursuant to the regulatory capital rule.[56] The Board has separately proposed changes to the FR Y–15 to align its definition of ''total exposure'' with the definition in the regulatory capital rule.[57]

B. Interconnectedness

The proposal used interconnectedness as a category of systemic importance. Financial institutions may be interconnected in many ways, as banking organizations commonly engage in transactions with other financial institutions that give rise to a wide range of contractual obligations. Financial distress at a banking organization may materially raise the likelihood of distress at other firms given the network of contractual obligations throughout the financial system. Accordingly, a banking organization's systemic impact is likely to be directly related to its interconnectedness vis-à-vis other financial institutions and the financial sector as a whole. The Board did not receive any comments on this aspect of the proposed rule and is adopting it in the final rule without change.

[53] Discussion of this view is contained in the report to the G20 by the BIS, FSB, and IMF (2009). Further, earlier, the ECB (2006) studied indicators such as size and interconnectedness in their efforts to identify systemically important banking organizations. Similar work was undertaken by the BCBS when it developed the current indicators used in identifying GSIBs. As noted in the proposal, many of these factors are also consistent with the factors that the Board considers in reviewing financial stability implications of proposed mergers and acquisitions by banking organizations. *See, e.g.,* section 165 of the Dodd-Frank Act, Revised BCBS Document, and Guidance to Assess the Systemic Importance of Financial Institutions, Markets and Instruments: Initial Considerations, Financial Stability Board, International Monetary Fund and Bank for International Settlements, Report to G20 Finance Ministers and Governors, October 2009; Identifying Large and Complex Banking Groups for Financial System Stability Assessment, ECB, in: Financial Stability Review, December 2006, pp. 131–139.

[54] *See* 12 CFR 217.10(c)(4).

[55] *See, e.g.,* section 165 of the Dodd-Frank Act and the Revised BCBS Document.

[56] *See* 12 CFR 217.10(c)(4).

[57] *See* 80 FR 39433.

Under the final rule, interconnectedness is measured by intra-financial system assets, intra-financial system liabilities, and securities outstanding as of December 31 of a given year. These indicators represent the major components of intra-financial system transactions and contractual relationships, and are broadly defined to capture the relevant dimensions of these activities by a bank holding company. For the purpose of the intra-financial system assets and intra-financial system liabilities indicators, financial institutions are defined in the FR Y–15 instructions as depository institutions, bank holding companies, securities dealers, insurance companies, mutual funds, hedge funds, pension funds, investment banks, and central counterparties. Central banks and multilateral development banks are excluded, but state-owned commercial banks are included.

C. Substitutability

The proposal used substitutability as a category of systemic importance. The potential adverse systemic impact of the material financial distress or failure of a banking organization will depend in part on the degree to which other banking organizations are able to serve as substitutes in the event that the banking organization is unable to perform its role. Under the proposed rule, three indicators were used to measure substitutability: Assets under custody as of December 31 of a given year, the total value of payments sent over the calendar year, and the total value of transactions in debt and equity markets underwritten during the calendar year. Relative to the other categories in the method 1 surcharge, the substitutability category had a greater-than-intended impact on the assessment of systemic importance for certain banking organizations that are dominant in the provision of asset custody, payment systems, and underwriting services. The Board therefore proposed to cap the maximum score for the substitutability category at 500 basis points (or 100 basis points, after the 20 percent weighting factor is applied) so that the substitutability category would not have a greater than intended impact on a bank holding company's global systemic score.[58] This cap was also consistent with the approach taken in the BCBS framework. The following discusses how each of the three substitutability indicators will be measured and reported on the FR Y–15. The Board did not receive any comments on this aspect of the proposed rule and is adopting it in the final rule without change.

1. *Assets under custody.* The collapse of a GSIB that holds assets on behalf of customers, particularly other financial firms, could severely disrupt financial markets and have serious consequences for the domestic and global economies. The final rule measures assets under custody as the aggregate value of assets that a bank holding company holds as a custodian. For purposes of the final rule, a custodian is defined as a banking organization that manages or administers the custody or safekeeping of stocks, debt securities, or other assets for institutional and private investors.

2. *Payments activity.* The collapse of a GSIB that processes a large volume of payments is likely to affect a large number of customers, including financial, non-financial, and retail customers. In the event of collapse, these customers may be unable to process payments and could experience liquidity issues as a result. Additionally, if a banking organization became unable to distribute funds held, those funds could become inaccessible to the recipients, which could prevent those recipients from meeting obligations to their creditors.

The final rule uses a bank holding company's share of payments made through large-value payment systems and through agent banks as an indicator of the company's degree of systemic importance within the context of substitutability. Specifically, payments activity is the value of all cash payments sent via large-value payment systems, along with the value of all cash payments sent through an agent (*e.g.,* using a correspondent or nostro account), over the calendar year in the currencies specified on the FR Y–15.

3. *Underwritten transactions in debt and equity markets.* The failure of a GSIB with a large share of the global market's debt and equity underwriting could impede new securities issuances and potentially increase the cost of debt and capital. In order to assess a bank holding company's significance in underwriting as compared to its peers, the final rule measures underwriting activity as the aggregate value of equity and debt underwriting transactions of a banking organization, conducted over the calendar year, as specified on the FR Y–15.

D. Complexity

The final rule uses complexity as a category of systemic importance. The global systemic impact of a banking organization's failure or distress should be positively correlated to that organization's business, operational, and structural complexity.[59] Generally, the more complex a banking organization is, the greater the expense and time necessary to resolve it. Costly resolutions can have negative cascading effects in the markets, including disorderly unwinding of positions, fire-sales of assets, disruption of services to customers, and increased uncertainty in the markets.

The Board sought comment on whether the three complexity indicators (notional amount of OTC derivatives transactions, Level 3 assets, and trading and AFS securities) appropriately reflect a bank holding company's complexity, and what alternative or additional indicators might better reflect complexity and global systemic importance. One commenter argued that it was appropriate to weight derivatives exposures heavily in the complexity metric and that the metric should also take into account Level 2 assets as well as Level 3 assets as firms may be incentivized to reclassify existing Level 3 assets as Level 2 in order to achieve a lower score. Commenters also argued that resolvability should be taken into account more directly as part of the complexity category when calibrating the GSIB surcharges, for instance, by making the GSIB surcharge inversely proportional to the difficulty of resolution as judged by resolution plans. It was further suggested that measurements of organizational and operational complexity should be taken into account in the complexity indicator.

Resolvability and organizational complexity are important contributors to the potential systemic effects of a GSIB default and the complexity indicators included in the methodology seek to reflect this in a quantifiable way. These factors are reflected in several other of the standardized, objective measures included in the rule, including in Level 3 assets and cross-jurisdictional activity. The final rule does not include more subjective, qualitative measures of a bank holding company's organizational complexity and resolvability, because those would rely on firm-specific, subjective judgments. The Board will monitor the evolution of indicator scores over time and consider changes to the framework as appropriate.

Additionally, commenters requested that the Board give even greater weight to a GSIB's overall complexity indicator in calculating the surcharge because a GSIB's level of complexity might

[58] *See* paragraph 19 of the Revised BCBS Document.

[59] *See* paragraph 25 of the Revised BCBS Document.

increase the firm's probability of failure. While complexity is an important component for assessing systemic importance, the rule is intended to capture multiple dimensions of a firm's systemic footprint, including size, interconnectedness, substitutability, cross-jurisdictional activity and reliance on short-term wholesale funding, all of which are also important contributors to the systemic impact caused by the failure of a firm.

As reflected in the FR Y–15, the final rule includes three indicators of complexity: notional amount of OTC derivatives, Level 3 assets, and trading and AFS securities as of December 31 of a given year. The indicators are measured as follows:

1. *Notional amount of OTC derivatives.* A bank holding company's OTC derivatives activity will be the aggregate notional amount of the bank holding company's OTC derivative transactions that are cleared through a central counterparty or settled bilaterally.

2. *Level 3 assets.* Level 3 assets will be equal to the value of the assets that the bank holding company measures at fair value for purposes of its FR Y–9C quarterly report (Schedule HC–Q, column E). These are generally illiquid assets with fair values that cannot be determined by observable data, such as market price signals or models. Instead, the value of the Level 3 assets is calculated based on internal estimates or risk-adjusted value ranges by the banking organization. Firms with high levels of Level 3 assets would be difficult to value in times of stress, thereby negatively affecting market confidence in such firms and creating the potential for a disorderly resolution process.

3. *Trading and AFS securities.* A banking organization's trading and AFS securities can cause a market disturbance through mark-to-market losses and fire sales of assets in times of distress. Specifically, a banking organization's write-down or sales of securities could drive down the prices of these securities, which could cause a spill-over effect that forces other holders of the same securities to experience mark-to-market losses. Accordingly, the final rule considers a bank holding company's trading and AFS securities as an indicator of complexity.

E. Cross-jurisdictional Activity

The proposal used cross-jurisdictional activity as a category of systemic importance. Banking organizations with a large global presence are more difficult and costly to resolve than purely domestic institutions. Specifically, the greater the number of jurisdictions in which a firm operates, the more difficult it would be to coordinate its resolution and the more widespread the spillover effects were it to fail.

The Board did not receive any comments on this part of the proposed rule and is adopting it in the final rule without change. Under the final rule, the two indicators included in this category—cross-jurisdictional claims and cross-jurisdictional liabilities—measure a bank holding company's global reach by considering its activity outside its home jurisdiction as compared to the cross-jurisdictional activity of its peers. In particular, claims include deposits and balances placed with other banking organizations, loans and advances to banking organizations and non-banks, and holdings of securities. Liabilities include the liabilities of all offices of the same banking organization (headquarters as well as branches and subsidiaries in different jurisdictions) to entities outside of its home market.

F. Use of Short-term Wholesale Funding

To determine its method 2 surcharge under the proposal, a GSIB would have been required to compute its short-term wholesale funding score. To compute its short-term wholesale funding score, the GSIB would have first determined, on a consolidated basis, the amount of its short-term wholesale funding sources with a remaining maturity of less than one year for each business day of the preceding calendar year. Then, the GSIB would have applied weights to the short-term wholesale funding sources based on the remaining maturity of a short-term wholesale funding source and the asset class of any collateral backing the source. Next, the GSIB would have divided its weighted short-term wholesale funding amount by its average risk-weighted assets. Finally, to arrive at its short-term wholesale funding score, a GSIB would have multiplied the ratio of its weighted short-term wholesale funding amount over its average risk-weighted assets by a fixed conversion factor (175). The following discussion describes the proposed components of short-term wholesale funding and proposed weights, the division of the measure by average risk-weighted assets, and the application of the proposed conversion factor.

Several commenters requested additional information on the empirical analysis that supported the proposed weights of different types of short-term wholesale funding. For example, some commenters argued that the weights were not sufficiently risk-sensitive and would not reflect actual economic risk, while other commenters expressed concern that the proposed weights could inappropriately incentivize firms to rely more on certain forms of short-term wholesale funding.

The weighting system for short-term wholesale funding liabilities was designed to strike a balance between simplicity and risk-sensitivity. Short-term wholesale funding liabilities with shorter residual maturities were assigned higher weights, because such liabilities pose greater risk of runs and attendant fire sales. The liability categories used in the weighting system and the relative weights assigned to different liabilities generally aligned with the LCR, and reflected the comments that the Board received in connection with that rulemaking. In framing the proposal and the final rule, the Board also took into account studies of fire sale risks in key short-term wholesale funding markets.[60]

Commenters asserted that the rule should take into account the amount of long-term funding that a firm has relative to the amount of short-term funding, suggesting that a firm's wholesale funding component should be reduced if the firm relies to a greater extent on more stable forms of funding. However, while relative amounts of long- and short-term funding may be relevant in considering the probability of a firm's failure, the surcharge is designed so that a firm's capital requirement increases based on systemic losses assuming a default. Systemic losses in the event of default can be expected to generally increase in proportion to the total amount of short-term funding a firm has used, rather than in proportion to the ratio of a firm's short-term wholesale funding to its total funding. Accordingly, the final rule maintains the focus on a firm's amount of short-term wholesale funding rather than on the firm's funding mix.

1. Components and Weighting of Short-term Wholesale Funding

The proposal identified five categories of short-term wholesale funding sources: secured funding transactions, unsecured wholesale funding, covered asset exchanges, short positions, brokered deposits. The funding sources were defined using terminology from the LCR rule and aligned with items that are reported on the Board's Complex Institution Liquidity Monitoring Report on Form FR 2052a. Identified funding

[60] *See, e.g.,* Begalle, Martin, McAndrews, and McLaughlin, The Risk of Fire Sales in the Tri-Party Repo Market, *http://www.newyorkfed.org/research/staff_reports/sr616.pdf* (May 2013).

sources would have qualified as short-term wholesale funding only if the remaining maturity was less than 1 year.

a. Secured Funding Transaction

The proposal aligned the definition of ''secured funding transaction'' with the definition of that term in the LCR rule. As such, it included repurchase transactions, securities lending transactions, secured funding from a Federal Reserve Bank or a foreign central bank, Federal Home Loan Bank advances, secured deposits, loans of collateral to effect customer short positions, and other secured wholesale funding arrangements. These funding sources were treated as short-term wholesale funding, provided that they have a remaining maturity of less than one year, because counterparties are more likely to abruptly remove or cease to roll-over secured funding transactions as compared to longer-term funding. This behavior gives rise to cash outflows during periods of stress. Secured funding transactions secured by Level 1 liquid assets received a weight between 25 percent and 0 percent, secured funding transactions secured by Level 2a liquid assets received a weight between 50 percent and 0 percent, secured funding transactions secured by Level 2b liquid assets received a weight between 75 percent to 10 percent, and secured funding transactions secured by other assets received a weight between 100 percent and 25 percent, depending on the remaining maturity.

Some commenters suggested that advances from the Federal Home Loan Banks be excluded from the short-term wholesale funding factor, as they proved a stable source of funding through the crisis. Commenters also noted that Federal Home Loan Bank advances received preferable treatment in the LCR. The final rule treats Federal Home Loan Bank borrowings in the same manner as borrowings from other counterparties in light of the purpose of the GSIB surcharge, which is to reduce systemic risk. Firm borrowings from the Federal Home Loan Banks tend to increase during times of stress relative to Federal Home Loan Bank borrowings in normal times.

Some commenters argued that the proposal should have differentiated between centrally cleared and non-centrally cleared securities financing transactions, and that centrally cleared transactions should be either excluded from the short-term wholesale funding metric or assigned a lower weight. Commenters noted that the BCBS's large exposures framework exempts certain exposures to qualifying central counterparties, and that the Financial Stability Board's minimum margins framework for securities financing transactions does not apply to centrally cleared transactions.

Like the proposal, the final rule does not differentiate between centrally cleared and non-centrally cleared securities financing transactions. While there may be some financial stability benefits associated with central clearing of certain types of securities financing transactions, central clearing does not completely eliminate the risks posed by securities financing transactions, and therefore it would not be appropriate at this time to exclude centrally cleared securities financing transactions from the short-term wholesale funding metric. Nor is it possible at this time to measure the financial stability benefits of central clearing with enough precision to warrant specific reductions in the weights assigned.

b. Unsecured Wholesale Funding

The proposal aligned the definition of ''unsecured wholesale funding'' with the definition of that term in the LCR rule. Such funding included the following: Wholesale deposits; federal funds purchased; unsecured advances from a public sector entity, sovereign entity, or U.S. government sponsored enterprise; unsecured notes; bonds, or other unsecured debt securities issued by a GSIB (unless sold exclusively to retail customers or counterparties); brokered deposits from non-retail customers; and any other transaction where an on-balance sheet unsecured credit obligation has been contracted. Under the proposal, unsecured wholesale funding where the customer or counterparty is not a financial sector entity (or a consolidated subsidiary of a financial sector entity) received a weight between 50 percent and 0 percent, and unsecured wholesale funding where the customer or counterparty is a financial sector entity or a consolidated subsidiary thereof received a weight between 100 percent and 25 percent.

As evidenced in the financial crisis, funding from wholesale counterparties presents greater run risk to banking organizations during periods of stress as compared to the same type of funding provided by retail counterparties, because wholesale counterparties facing financial distress are likely to withdraw large amounts of wholesale funding in order to meet financial obligations. The proposal included in short-term wholesale funding unsecured wholesale funding that is partially or fully covered by deposit insurance, as such funding poses run risks even when deposit insurance is present. It did not permit the GSIB to reflect offsetting amounts from the release of assets held in segregated accounts in connection with wholesale deposits.

Several commenters suggested that the short-term wholesale funding calculation take into account the amount of high quality liquid assets that firms are required to hold against different funding sources under the LCR. For example, commenters cited that unsecured deposits from financial clients may only be used to fund Level 1 high quality liquid assets because they are assigned a 100 percent outflow under the LCR.

In response to comments, the final rule reduces the weight assigned to unsecured short-term wholesale funding. The maximum weight for wholesale deposits from non-financial clients is reduced from 50 percent to 25 percent, while the maximum weight for other types of unsecured short-term wholesale funding will be reduced from 100 percent to 75 percent. This reduction is intended to recognize the fact that firms often use wholesale deposits and other unsecured types of short-term wholesale funding to fund relatively liquid assets, and are generally required by the LCR to do so.

The final rule does not reduce the weight to 0, as the LCR does not fully address the systemic risks of unsecured short-term wholesale funding. The LCR generally permits the outflows from such liabilities to be offset using either high quality liquid assets or the inflows from short-term claims with a matching maturity. In cases where a firm uses short-term wholesale funding to fund a short-term loan, a run by the firm's short-term creditors could force the firm to quickly reduce the amount of credit it extends to its clients or counterparties. Those counterparties could then be forced to rapidly liquidate assets, including relatively illiquid assets, which might give rise to fire sale effects.[61] Given these possibilities, it would not be appropriate for the calibration to assume that short-term funding liabilities that are assigned relatively high outflows under the LCR can only be used to fund high quality liquid assets.

Several commenters contended that the proposal inappropriately classified ''excess custody deposits'' as short-term wholesale funding. These commenters asserted that such deposits are a stable source of funding in periods of market stress, and are generally placed with central banks or invested in high quality

[61] The risk described here is similar to the risk associated with matched books of securities financing transactions, which is discussed in *http://www.federalreserve.gov/newsevents/speech/tarullo20131122a.htm.*

liquid assets. Commenters also noted that excess custody deposits arise from operational servicing relationships and that it would be difficult in practice for custody banks to turn away client deposits of this type. Commenters argued that excess custody deposits should be excluded from the short-term wholesale funding amount when these are offset by riskless assets, subject to specific caps.

Deposits described by commenters as ''excess custody deposits'' do not qualify as operational deposits because they are not needed for utilizing the operational service provided by the bank holding company and, thus, are not as stable. In response to the more limited argument that a firm should be allowed to offset its excess custody deposit amount when it invests such deposits in riskless assets, it would be inconsistent to allow such an offset in the context of only one particular type of short-term wholesale funding liability. Further, implementing this approach would require the Board to determine which assets should count as ''riskless.'' On the one hand, a very narrow approach—for example, one in which only central bank reserves are considered riskless—could have distortive effects. On the other hand, a broader approach in which a wider variety of assets were deemed riskless would undermine the macroprudential goals of the short-term wholesale funding component of the surcharge. Nevertheless, excess custody deposits receive a lower weight under the final rule than they would have under the proposal because of the reductions made in the final rule to the weights assigned to unsecured short-term wholesale funding.

c. Short Positions

The proposed rule treated short positions as short-term wholesale funding. Short positions were defined as a transaction where a bank holding company has borrowed a security from a counterparty to sell to a second counterparty, and must return the security to the initial counterparty in the future. A short position involving a certain security was assigned the same weight as a secured short-term wholesale funding liability backed by the same asset. In addition, the proposal treated loans of collateral to a bank holding company's customer to effect short positions as secured funding transactions, and weighted these accordingly.[62]

Several commenters argued that liabilities associated with both firm and customer short transactions should be excluded from the short-term wholesale funding measure, or at a minimum, that the weight assigned to short positons should be reduced (*e.g.,* to 25 percent). With respect to firm short positions, commenters argued that, because only the firm has the ability to close out the position, firm short positions do not give rise to the same type of run risk as other short-term wholesale funding obligations. With respect to client short positions, commenters argued that margin requirements create incentives for clients to close long and short positions simultaneously, and that the simultaneous unwinding of such positions would mitigate funding risk. Commenters also argued that the Board should distinguish between short positions based on whether they are covered using firm or client assets (internally covered short positions) or assets borrowed from external sources (externally covered short positions). Commenters argued that shorts covered by external borrowings do not provide funding to the banking organization executing the short, and should therefore not be treated as short-term funding transactions.

In response to the comments received, the final rule excludes firm short positions involving Level 1 and Level 2A securities from the short-term wholesale funding definition, and assigns a weight of 25 percent to firm short positions involving Level 2B securities or securities that do not qualify as high quality liquid assets. This weighting is appropriate because the risk of runs from firm short positions is mitigated by the firm's ability to control the closeout of the short position. On the other hand, if a firm short position moves against a firm, or if a securities lender demands that the firm return the security that the firm borrowed to facilitate the short position, there would be some liquidity risk. Hence, the final rule assigns a positive weight to firm short positions involving Level 2B securities and securities that do not qualify as high quality liquid assets.

The treatment of client short positions in the final rule is unchanged from the proposal. While margin requirements may create incentives for clients to symmetrically unwind long and short positions, the closeout of client short positions is ultimately controlled by a firm's clients and is, therefore, more unpredictable from the firm's perspective. This treatment aligns with the LCR, under which client short positions in a given security are assigned the same outflow rate as other secured funding transactions collateralized by that security. With respect to the argument that externally covered short positions should be excluded because they do not provide funding to the firm, external securities borrowing is an asset on the firm's balance sheet that the firm or client short position serves to fund.

d. Covered Asset Exchanges

The proposed definition of short-term wholesale funding also included the fair market value of all assets that a GSIB must return in connection with transactions where it has provided a non-cash asset of a given liquidity category to a counterparty in exchange for non-cash assets of a higher liquidity category, and the GSIB and the counterparty agreed to return the assets to each other at a future date. The unwinding of such transactions could negatively impact a GSIB's funding profile in a period of stress to the extent that the unwinding of the transaction requires the GSIB to obtain funding for a less liquid asset or security if the counterparty is unwilling to roll over the transaction. Under the proposal, covered asset exchanges involving the future exchange of a Level 1 asset for a Level 2a asset were assigned a maximum weight of 50 percent, while other covered asset exchanges would receive a maximum weight of 75 percent.

Some commenters argued that this approach would result in the assignment of excessive weights for certain covered asset exchanges, and instead proposed that the weight for a covered asset exchange should be based on the incremental liquidity need resulting from the exchange.

The final rule maintains the proposed treatment of covered asset exchanges. The alternative approach described by commenters would be similar to the LCR in providing differential treatment for all combinations of asset types. However, the short-term wholesale funding weighting approach of the final rule takes a more simplified approach than the LCR by combining those asset exchanges that have similar characteristics in a broader set of categories.

[62] As noted above, under the proposal, secured funding transactions secured by Level 1 liquid assets received a weight between 25 percent and 0 percent, secured funding transactions secured by Level 2a liquid assets received a weight between 50 percent and 0 percent, secured funding transactions secured by Level 2b liquid assets received a weight between 75 percent to 10 percent, and secured funding transactions secured by other assets received a weight between 100 percent and 25 percent, depending on the remaining maturity.

e. Brokered Deposits and Brokered Sweep Deposits

The proposal characterized retail brokered deposits and brokered sweep deposits as short-term wholesale funding because these forms of funding have demonstrated volatility in times of stress, notwithstanding the presence of deposit insurance.[63] These types of deposits can be easily moved from one institution to another during times of stress, as customers and counterparties seek higher interest rates or seek to use those funds for other purposes and on account of the incentives that third-party brokers have to provide the highest possible returns for their clients. However, the proposed definition of short-term funding would exclude deposits from retail customers and counterparties that are not brokered deposits or brokered sweep deposits, as these deposits are less likely to pose liquidity risks in times of stress.

Under the proposal, brokered deposits and brokered sweep deposits from retail customers or counterparties were assigned a maximum weight of 50 percent, while other brokered deposits and brokered sweep deposits received a maximum weight of 100 percent.

Commenters contended that the weighting system imposed capital charges that were too high on all brokered deposits and argued that the weighting system should make more fine-grained distinctions between different types of brokered deposits and brokered sweep deposits. Commenters also argued that the weighting system should distinguish between insured and non-insured brokered deposits, brokered retail and non-retail deposits, reciprocal and non-reciprocal brokered deposits and brokered affiliate and non-affiliate based deposit sweep arrangements, and should treat certain affiliate based deposit sweep arrangements similarly to traditional retail deposits.

The final rule treats brokered deposits as short-term wholesale funding because they are generally considered less stable than standard retail deposits. In order to preserve the relative simplicity of the short-term wholesale funding metric, the final rule does not distinguish between different types of brokered deposits and brokered sweep deposits. In connection with reducing the weight on unsecured wholesale deposits from non-financial and financial clients, however, the final rule adjusts the treatment of brokered deposits and brokered sweep deposits. Under the final rule, brokered deposits and brokered sweep deposits provided by a retail customer are assigned a maximum weight of 25 percent. Other brokered deposits and brokered sweep deposits are assigned a maximum weight of 75. These changes ensure that brokered deposits and brokered sweep deposits receive the same weight as other similar forms of unsecured short-term wholesale funding.

2. Dividing by Risk-Weighted Assets

Under the proposal, after calculating its weighted short-term wholesale funding amount, the GSIB would have divided its weighted short-term wholesale funding amount by its average risk-weighted assets, measured as the four-quarter average of the firm's total risk-weighted assets associated with the lower of its risk-based capital ratios as reported on its FR Y–9C for each quarter of the previous year.

One commenter argued that the risk-weighted assets denominator as part of the short-term wholesale funding calculation should be reconsidered to better incentivize prudent use of short-term wholesale funding. This commenter noted that, given that method 2 under the proposal uses a bank's risk-weighted assets as the ratio denominator for short-term wholesale funding, if a GSIB simultaneously reduces short-term wholesale funding and risk-weighted assets, its surcharge would remain static as a percentage of its risk-weighted assets. Similarly, the commenter noted that, if a GSIB reduces risk-weighted assets and does not reduce short-term wholesale funding, its GSIB surcharge could increase as a percentage of risk-weighted assets.

As discussed in the preamble to the proposal, consideration of a GSIB's short-term wholesale funding amount as a percentage of its risk-weighted assets is an appropriate means of scaling in a firm-specific manner a firm's use of short-term wholesale funding. This approach reflects the view that the systemic risks associated with a firm's use of short-term wholesale funding are comparable regardless of the business model of the firm. The use of short-term wholesale funding poses similar systemic risks regardless of whether short-term wholesale funding is used by a firm that is predominantly engaged in trading operations as opposed to a firm that combines large trading operations with large commercial banking activities, and regardless of whether a firm uses short-term wholesale funding to fund securities inventory as opposed to securities financing transaction matched book activity. Dividing short-term wholesale funding by risk-weighted assets helps ensure that two firms that use the same amount of short-term wholesale funding would be required to hold the same dollar amount of additional capital regardless of such differences in business model.

While a firm that simultaneously reduces its short-term wholesale funding and risk-weighted assets may not see changes in its surcharge requirement, the same surcharge requirements as a percentage of risk-weighted assets would require the firm to hold a lower dollar amount of additional capital because the firm's risk weighted assets would also be lower. Similarly, while a firm that reduces its risk-weighted assets but uses the same amount of short-term wholesale funding could see an increase in its surcharge requirement, the dollar amount of capital the firm would have to hold would be reduced because of its lower risk-weighted assets. Thus, these outcomes are consistent with the view that the dollar amount of capital that a firm should be required to hold because of the short-term wholesale funding component of the surcharge should be independent of that firm's risk-weighted assets characteristics.

3. Application of Fixed Conversion Factor

Under the proposal, to arrive at its short-term wholesale funding score, a GSIB would have multiplied the ratio of its weighted short-term wholesale funding amount over its average risk-weighted assets by a fixed conversion factor (175). The conversion factor accounted for the fact that, in contrast to the other systemic indicators that comprise a GSIB's method 2 score, the short-term wholesale funding score does not have an associated aggregate global indicator. The conversion factor was intended to weight the short-term wholesale funding amount such that the short-term wholesale funding score receives an equal weight as the other systemic indicators within method 2 (*i.e.,* 20 percent), and is based upon estimates of short-term wholesale funding levels at the eight bank holding companies currently identified as GSIBs. To calculate its method 2 score, a GSIB would add the short-term wholesale funding score to its other systemic indicator scores, and multiply by two.

The final rule adopts the fixed conversion factor, and combines the conversion factor with the proposed doubling. Accordingly, the score would equal 350. This fixed conversion factor was developed using 2013 data on short-term wholesale funding sources from the FR 2052a for the eight firms currently identified as GSIBs under the

[63] Brokered deposits from non-retail clients are treated as unsecured wholesale funding, discussed in section III.F.1.b of this preamble.

proposed methodology, the average of 2013 quarterly reported risk-weighted assets, and the year-end 2013 aggregate global indicator amounts for the size, interconnectedness, complexity, and cross-jurisdictional activity systemic indicators. Using these data, the total weighted basis points for the size, interconnectedness, complexity, and cross-jurisdictional activity systemic indicator scores for the firms currently identified as GSIBs were calculated. Given that this figure is intended to comprise 80 percent of the method 2 score, the weighted basis points accounting for the remaining 20 percent of the method 2 score were determined. The fixed conversion factor was determined by dividing the aggregate estimated short-term wholesale funding amount by average risk weighted assets for the firms currently identified as GSIBs and calculating the weighted basis points that would be necessary to make the short-term wholesale measure equal to 20 percent of the firm's method 2 score.

A fixed conversion factor is intended to facilitate one of the goals of the incorporation of short-term wholesale funding into the GSIB surcharge framework, which is to provide incentives for GSIBs to decrease their use of this less stable form of funding. To the extent that a GSIB reduces its use of short-term wholesale funding, its short-term wholesale funding score will decline, even if GSIBs in the aggregate reduce their use of short-term wholesale funding.

IV. Amendments to the FR Y–15

On July 9, 2015, the Board published for comment a proposal to modify the FR Y–15, which, among other things, is the Board's form for collecting data needed to compute the GSIB surcharge. The modification to this form would introduce a new schedule, Schedule G, to capture a banking organization's use of short-term wholesale funding (FR Y–15 proposal).[64] The proposed definition of ''short-term wholesale funding'' and weights in the FR Y–15 proposal were based on the Board's December 18, 2014 GSIB proposal.[65] The final rule proposes to incorporate updates into Schedule G of the FR Y–15 to align it with the definition in the final rule. The proposed revisions to Schedule G include (1) moving three line items to different tiers, (2) adding an item to capture firm short positions, (3) adding two automatically-calculated items, (4) adding one item derived from the FR Y–9C, (5) deleting two items, and (6) collecting customer short positions as part of the secured funding totals. The Federal Reserve estimates that these minimal differences will not affect the burden estimates provided in the separate July proposal. Thus, the burden estimates below reflect the numbers included in the separate FR Y–15 proposal. The comment period for the proposed changes to the FR Y–15 proposal would also be extended to 60 days after the publication of the final rule in the **Federal Register**, to allow commenters the opportunity to comment on the full proposal, including changes to the short-term wholesale funding measure adopted in this final rule.

Concurrently with this final notice, the Federal Reserve is publishing the instructions and reporting form corresponding to the proposed changes to the FR Y–15 published in the **Federal Register** on July 9, 2015. The instructions and reporting form also reflect the proposed changes to the short-term wholesale funding measure described above.

V. Modifications to Related Rules

The Board, along with the FDIC and the OCC, issued a final rule imposing enhanced supplementary leverage ratio standards on certain bank holding companies and their subsidiary insured depository institutions.[66] The enhanced supplementary leverage ratio standards applied to U.S. top-tier bank holding companies with more than $700 billion in total consolidated assets or more than $10 trillion in assets under custody (covered BHCs), as well as insured depository institution subsidiaries of the covered BHCs. The enhanced standards imposed a 2 percent leverage ratio buffer similar to the capital conservation buffer above the minimum supplementary leverage ratio requirement of 3 percent on the covered BHCs, and also required insured depository institution subsidiaries of covered BHCs to maintain a supplementary leverage ratio of at least 6 percent to be well capitalized under the prompt corrective action framework. The Board proposed to revise the terminology and applicability of the enhanced supplementary leverage ratio so that the enhanced supplementary leverage ratio would apply to entities identified as GSIBs under the proposal.

The Board did not receive any comments on this aspect of the proposal, therefore, the final rule revises the terminology used to identify the firms subject to the enhanced supplementary leverage ratio standards to reflect the proposed GSIB surcharge framework. Specifically, the Board has replaced the use of ''covered BHC'' with firms identified as GSIBs using the methodology of this rule within the prompt corrective action provisions of Regulation H (12 CFR part 208), as well as within the Board's regulatory capital rule. The eight U.S. top-tier bank holding companies that were ''covered BHCs'' under the enhanced supplementary leverage ratio rule's definition are the same eight U.S. top-tier bank holding companies that are identified as GSIBs under the final rule. These changes simplify the Board's regulations by removing overlapping definitions, and do not result in a material change in the provisions applicable to these bank holding companies.

VI. Regulatory Analysis

A. Paperwork Reduction Act (PRA)

In accordance with section 3512 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Board may not conduct or sponsor, and a 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 OMB control number is 7100–0352 and 7100–NEW. The Board reviewed the final rule under the authority delegated to the Board by OMB.

The final rule contains requirements subject to the PRA. The recordkeeping requirements are found in sections 217.402 and 217.403. In connection with this final rule, the Board will issue a separate notice amending the proposed revisions to the FR Y–15 published on July 9, 2015, to reflect the final rule's definition of short-term wholesale funding.

Report title: Recordkeeping Requirements Associated with Regulation Q (Capital Adequacy of Bank Holding Companies, Savings and Loan Holding Companies, and State Member Banks).

Agency form number: Reg Q.

OMB control number: 7100–NEW.

Frequency: Annual.

Reporters: Bank holding companies, savings and loan holding companies, and state member banks.

Estimated annual reporting hours: 11 hours.

[64] *See* 80 FR 39433. The proposed changes would also (1) change the reporting frequency of the FR Y–15 from annual to quarterly, (2) expand the reporting panel to include certain savings and loan holding companies, (3) revise the calculation methodology for the systemic indicators to align with the Board's regulatory capital rules and international accounting standards, (4) allow respondents to construct their own exchange rates for converting payments data; and (5) incorporate instructional clarifications.

[65] *See* 79 FR 75477 (December 18, 2014).

[66] 78 FR 24528 (May 1, 2014).

Estimated average hours per response: 0.5 hours for each method.

Number of respondents: 13 for Identification of a global systemically important BHC and 8 for GSIB surcharge.

Abstract: A bank holding company is a global systemically important BHC if its method 1 score equals or exceeds 130 basis points. A BHC must calculate its method 1 and method 2 scores on an annual basis by December 31 of each year.

Section 217.402 (Identification of a global systemically important BHC) requires an advanced approaches BHC to annually calculate its method 1 score, which is the sum of its systemic indicator scores for the twelve systemic indicators set forth in Table 1 of the final rule. The systemic indicator score in basis points for a given systemic indicator is equal to the ratio of the amount of that systemic indicator, as reported on the bank holding company's most recent FR Y–15; to the aggregate global indicator amount for that systemic indicator published by the Board in the fourth quarter of that year; multiplied by 10,000; and multiplied by the indicator weight corresponding to the systemic indicator as set forth in Table 1 of the final rule.

Section 217.403 (GSIB surcharge) requires a BHC to annually calculate its GSIB surcharge, which is the greater of its method 1 and method 2 scores. The method 2 score is equal to the sum of the global systemically important BHC's systemic indicator scores for the nine systemic indicators set forth in Table 1 of the final rule and the global systemically important BHC's short-term wholesale funding score. The systemic indicator score is equal to the amount of the systemic indicator, as reported on the global systemically important BHC's most recent FR Y–15, multiplied by the coefficient corresponding to the systemic indicator set forth in Table 1 of the final rule.

B. Regulatory Flexibility Act Analysis

The Board is providing a regulatory flexibility analysis with respect to the final rule. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), generally requires that to provide a regulatory flexibility analysis in connection with a final rulemaking. As discussed above, the final rule is designed to identify U.S. bank holding companies that are GSIBs and to apply capital surcharges to the GSIBs that are calibrated to their systemic risk profiles. Under regulations issued by the Small Business Administration, a small entity includes a bank holding company with assets of $550 million or less (small bank holding company).[67] As of December 31, 2014, there were approximately 3,833 small bank holding companies.

The final rule applies to any top-tier U.S. bank holding company domiciled in the United States that is subject to the advanced approaches rule pursuant to the regulatory capital rule that is not a subsidiary of a foreign banking organization. Bank holding companies that are subject to the final rule therefore substantially exceed the $550 million asset threshold at which a banking entity would qualify as a small bank holding company.

Because the final rule would only apply to advanced approaches BHCs, which generally have at least $250 billion in assets or $10 billion in on-balance-sheet foreign assets, the rule would not apply to any small bank holding company for purposes of the RFA. Therefore, there are no significant alternatives to the final rule that would have less economic impact on small bank holding companies. As discussed above, the projected reporting, recordkeeping, and other compliance requirements of the rule are expected to be small. The Board does not believe that the rule duplicates, overlaps, or conflicts with any other Federal rules. In light of the foregoing, the Board does not believe that the final rule would have a significant economic impact on a substantial number of small entities.

The Board sought comment on whether the proposed rule would impose undue burdens on, or have unintended consequences for, small organizations, and received no comments on this aspect of the proposal. In light of the foregoing, the Board does not believe that the final rule will have a significant impact on small entities.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Board to use plain language in all proposed and final rules published after January 1, 2000. The Board has sought to present the final rule in a simple straightforward manner. The Board did not receive any comment on its use of plain language.

List of Subjects

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Consumer protection, Crime, Currency, Global systemically important bank, Insurance, Investments, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 217

Administrative practice and procedure, Banks, banking. Holding companies, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, chapter II of title of the Code of Federal Regulations is amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78I(b), 78l(i), 780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

Subpart D—Prompt Corrective Action

§ 208.41 [Amended]

■ 2. Effective January 1, 2018, in § 208.41:

■ a. Paragraph (c) as added on May 1, 2014 (79 FR 24540), is withdrawn.

■ b. The redesignation of paragraphs (c) through (j) as paragraphs (d) through (k) on May 1, 2014 (79 FR 24540), is withdrawn.

■ c. Paragraphs (g) through (p) are redesignatged as paragraphs (h) through (q).

■ d. New paragraph (g) is added to read as follows:

§ 208.41 Definitions for purposes of this subpart.

* * * * *

(g) *Global systemically important BHC* has the same meaning as in § 217.2 of Regulation Q (12 CFR 217.2).

* * * * *

§ 208.43 [Amended]

■ 3. Effective January 1, 2018, in § 208.43 paragraphs (a)(2)(iv)(C) and (c)(1)(iv) as added on May 1, 2014 (79 FR 24540) are amended by removing the words ''covered BHC'' and adding in their place the words ''global systemically important BHC''.

[67] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 4. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 5. Effective December 1, 2015, revise § 217.1, paragraph (f)(3), to read as follows:

§ 217.1 Purpose, applicability, reservations of authority, and timing.

* * * * *

(f) * * *

(3) Beginning on January 1, 2016, and subject to the transition provisions in subpart G of this part, a Board-regulated institution is subject to limitations on distributions and discretionary bonus payments with respect to its capital conservation buffer, any applicable countercyclical capital buffer amount, and any applicable GSIB surcharge, in accordance with subpart B of this part.

* * * * *

§ 217.1 [Amended]

■ 6. Effective January 1, 2018, in § 217.1, paragraph (f)(4) as revised on May 1, 2014 (79 FR 24540) is amended by removing the words ''covered BHC''and adding the words ''global systemically important BHC'' in their place.

■ 7. Effective December 1, 2015, add definitions of ''Global systemically important BHC'' and ''GSIB surcharge'' in alphabetical order, to read as follows:

§ 217.2 Definitions.

* * * * *

Global systemically important BHC means a bank holding company that is identified as a global systemically important BHC pursuant to § 217.402.

GSIB surcharge means the capital surcharge applicable to a global systemically important BHC calculated pursuant to § 217.403.

* * * * *

§ 217.2 [Amended]

■ 8. Effective January 1, 2018, in § 217.2, the definition of ''covered BHC'' published on May 1, 2014 (79 FR 24540), is withdrawn.

■ 9. Effective December 1, 2015, in § 217.11:

■ a. The section heading is revised.

■ b. Paragraph (a)(4)(ii) is revised.

■ c. Table 1 to § 217.11 is revised.

■ d. Paragraph (c) is added.

The revisions and addition read as follows:

§ 217.11 Capital conservation buffer, countercyclical capital buffer amount, and GSIB surcharge.

* * * * *

(a) * * *

(4) * * *

(ii) A Board-regulated institution with a capital conservation buffer that is greater than 2.5 percent plus 100 percent of its applicable countercyclical capital buffer in accordance with paragraph (b) of this section, and 100 percent of its applicable GSIB surcharge, in accordance with paragraph (c) of this section, is not subject to a maximum payout amount under this section.

* * * * *

TABLE 1 TO § 217.11—CALCULATION OF MAXIMUM PAYOUT AMOUNT

Capital conservation buffer	Maximum payout ratio (as a percentage of eligible retained income)
Greater than 2.5 percent plus 100 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 100 percent of the Board-regulated institution's applicable GSIB surcharge.	No payout ratio limitation applies.
Less than or equal to 2.5 percent plus 100 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 100 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 1.875 percent plus 75 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 75 percent of the Board-regulated institution's applicable GSIB surcharge.	60 percent.
Less than or equal to 1.875 percent plus 75 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 75 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 1.25 percent plus 50 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 50 percent of the Board-regulated institution's applicable GSIB surcharge.	40 percent.
Less than or equal to 1.25 percent plus 50 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 50 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 0.625 percent plus 25 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 25 percent of the Board-regulated institution's applicable GSIB surcharge.	20 percent.
Less than or equal to 0.625 percent plus 25 percent of the Board-regulated institution's applicable countercyclical capital buffer amount and 25 percent of the Board-regulated institution's applicable GSIB surcharge.	0 percent.

* * * * *

(c) *GSIB surcharge.* A global systemically important BHC must use its GSIB surcharge calculated in accordance with subpart H of this part for purposes of determining its maximum payout ratio under Table 1 to § 217.11.

§ 217.11 [Amended]

■ 10. Effective January 1, 2018, in § 217.11:

■ a. Paragraphs (a)(2)(v) and (a)(2)(vi), paragraph (c), and Table 2 added on May 1, 2014 (79 FR 24540) are amended by removing the words ''covered BHC'' or ''covered BHC's'' wherever they appear and adding in their place the words ''global systemically important BHC'' or ''global systemically important BHC's'' respectively.

■ b. Paragraph (c) added on May 1, 2014 (79 FR 24540) is redesignated as paragraph (d).

■ 11. Effective December 1, 2015, revise § 217.300(a)(2) to read as follows:

§ 217.300 Transitions.

(a) * * *

(2) Notwithstanding § 217.11, beginning January 1, 2016 through December 31, 2018 a Board-regulated institution's maximum payout ratio shall be determined as set forth in Table 1 to § 217.300.

TABLE 1 TO § 217.300

Transition period	Capital conservation buffer	Maximum payout ratio (as a percentage of eligible retained income)
Calendar year 2016	Greater than 0.625 percent plus 25 percent of any applicable countercyclical capital buffer amount and 25 percent of any applicable GSIB surcharge.	No payout ratio limitation applies under this section.
	Less than or equal to 0.625 percent plus 25 percent of any applicable countercyclical capital buffer amount and 25 percent of any applicable GSIB surcharge, *and* greater than 0.469 percent plus 17.25 percent of any applicable countercyclical capital buffer amount and 17.25 percent of any applicable GSIB surcharge.	60 percent.
	Less than or equal to 0.469 percent plus 17.25 percent of any applicable countercyclical capital buffer amount and 17.25 percent of any applicable GSIB surcharge, *and* greater than 0.313 percent plus 12.5 percent of any applicable countercyclical capital buffer amount and 12.5 percent of any applicable GSIB surcharge.	40 percent.
	Less than or equal to 0.313 percent plus 12.5 percent of any applicable countercyclical capital buffer amount and 12.5 percent of any applicable GSIB surcharge, *and* greater than 0.156 percent plus 6.25 percent of any applicable countercyclical capital buffer amount and 6.25 percent of any applicable GSIB surcharge.	20 percent.
	Less than or equal to 0.156 percent plus 6.25 percent of any applicable countercyclical capital buffer amount and 6.25 percent of any applicable GSIB surcharge.	0 percent.
Calendar year 2017	Greater than 1.25 percent plus 50 percent of any applicable countercyclical capital buffer amount and 50 percent of any applicable GSIB surcharge.	No payout ratio limitation applies under this section.
	Less than or equal to 1.25 percent plus 50 percent of any applicable countercyclical capital buffer amount and 50 percent of any applicable GSIB surcharge, *and* greater than 0.938 percent plus 37.5 percent of any applicable countercyclical capital buffer amount and 37.5 percent of any applicable GSIB surcharge.	60 percent.
	Less than or equal to 0.938 percent plus 37.5 percent of any applicable countercyclical capital buffer amount and 37.5 percent of any applicable GSIB surcharge, *and* greater than 0.625 percent plus 25 percent of any applicable countercyclical capital buffer amount and 25 percent of any applicable GSIB surcharge.	40 percent.
	Less than or equal to 0.625 percent plus 25 percent of any applicable countercyclical capital buffer amount and 25 percent of any applicable GSIB surcharge, *and* greater than 0.313 percent plus 12.5 percent of any applicable countercyclical capital buffer amount and 12.5 percent of any applicable GSIB surcharge.	20 percent.
	Less than or equal to 0.313 percent plus 12.5 percent of any applicable countercyclical capital buffer amount and 12.5 percent of any applicable GSIB surcharge.	0 percent.
Calendar year 2018	Greater than 1.875 percent plus 75 percent of any applicable countercyclical capital buffer amount and 75 percent of any applicable GSIB surcharge.	No payout ratio limitation applies under this section.
	Less than or equal to 1.875 percent plus 75 percent of any applicable countercyclical capital buffer amount and 75 percent of any applicable GSIB surcharge, *and* greater than 1.406 percent plus 56.25 percent of any applicable countercyclical capital buffer amount and 56.25 percent of any applicable GSIB surcharge.	60 percent.
	Less than or equal to 1.406 percent plus 56.25 percent of any applicable countercyclical capital buffer amount and 56.25 percent of any applicable GSIB surcharge, *and* greater than 0.938 percent plus 37.5 percent of any applicable countercyclical capital buffer amount and 37.5 percent of any applicable GSIB surcharge.	40 percent.
	Less than or equal to 0.938 percent plus 37.5 percent of any applicable countercyclical capital buffer amount and 37.5 percent of any applicable GSIB surcharge, *and* greater than 0.469 percent plus 18.75 percent of any applicable countercyclical capital buffer amount and 18.75 percent of any applicable GSIB surcharge.	20 percent.
	Less than or equal to 0.469 percent plus 18.75 percent of any applicable countercyclical capital buffer amount and 18.75 percent of any applicable GSIB surcharge.	0 percent.

* * * * *

■ 12. Effective December 1, 2015, add subpart H to part 217 to read as follows:

Subpart H—Risk-based Capital Surcharge for Global Systemically Important Bank Holding Companies

Sec.
217.400 Purpose and applicability.
217.401 Definitions.
217.402 Identification as a global systemically important BHC.
217.403 GSIB surcharge.
217.404 Method 1 score.
217.405 Method 2 score.
217.406 Short-term wholesale funding score.

Authority: 12 U.S.C. 5365.

Subpart H—Risk-based Capital Surcharge for Global Systemically Important Bank Holding Companies

§ 217.400 Purpose and applicability.

(a) *Purpose.* This subpart implements provisions of section 165 of the Dodd-Frank Act (12 U.S.C. 5365), by establishing a risk-based capital surcharge for global systemically important bank holding companies.

(b) *Applicability*—(1) *General.* This subpart applies to a bank holding company that is an advanced approaches Board-regulated institution and that is not a consolidated subsidiary of a bank holding company or a consolidated subsidiary of a foreign banking organization.

(2) *Effective date of calculation and surcharge requirements.* Subject to the transition provisions in paragraph (b)(3) of this section:

(i) A bank holding company that becomes an advanced approaches Board-regulated institution must determine whether it qualifies as a global systemically important BHC pursuant to § 217.402 by December 31 of the year immediately following the year in which the bank holding company becomes an advanced approaches Board-regulated institution; and

(ii) A bank holding company that becomes a global systemically important BHC pursuant to § 217.402 must calculate its GSIB surcharge pursuant to § 217.403 by December 31 of the year in which the bank holding company is identified as a global systemically important BHC and must use that GSIB surcharge for purposes of determining its maximum payout ratio under Table 1 to § 217.11 beginning on January 1 of the year that is immediately following the full calendar year after it is identified as a global systemically important BHC.

(3) Transition provisions for the calculation and surcharge requirements—(i) GSIB surcharge requirements for bank holding companies with more than $700 billion in total assets or $10 trillion in assets under custody. A bank holding company that is an advanced approaches Board-regulated institution with more than $700 billion in total assets as reported on the FR Y–9C as of December 31, 2014, or more than $10 trillion in assets under custody as reported on the FR Y–15 as of December 31, 2014, must calculate its GSIB surcharge by December 31, 2015, and use that GSIB surcharge to determine its maximum payout ratio under Table 1 to § 217.11 beginning on January 1, 2016; provided that for the GSIB surcharges required to be calculated by December 31, 2015 and by December 31, 2016, the bank holding company must calculate its short-term wholesale funding score using the average of its weighted short-term wholesale funding amounts (defined in § 217.406(b)), calculated for July 31, 2015, August 24, 2015, and September 30, 2015.

(ii) *Calculation and GSIB surcharge requirements for other advanced approaches Board-regulated institutions.* A bank holding company that was an advanced approaches Board-regulated institution as of December 31, 2014, and is not described in paragraph (b)(3)(i) of this section must:

(A) Determine whether it qualifies as a global systemically important BHC pursuant to § 217.402 by December 31, 2015; and

(B) To the extent it qualifies as a global systemically important BHC by December 31, 2015, calculate its GSIB surcharge by December 31, 2016. The GSIB surcharge calculated by December 31, 2016, shall equal the method 1 surcharge (defined in § 217.403) of the bank holding company.

(c) *Reservation of authority.* (1) The Board may apply this subpart to any Board-regulated institution, in whole or in part, by order of the Board based on the institution's capital structure, size, level of complexity, risk profile, scope of operations, or financial condition.

(2) The Board may adjust the amount of the GSIB surcharge applicable to a global systemically important BHC, or extend or accelerate any compliance date of this subpart, if the Board determines that the adjustment, extension, or acceleration is appropriate in light of the capital structure, size, complexity, risk profile, and scope of operations of the global systemically important BHC. In increasing the size of the GSIB surcharge for a global systemically important BHC, the Board shall follow the notice and response procedures in 12 CFR part 263, subpart E.

§ 217.401 Definitions.

As used in this subpart:

(a) *Aggregate global indicator amount* means, for each systemic indicator, the aggregate measure of that indicator, which is equal to the most recent annual dollar figure published by the Board that represents the sum of systemic indicator values of:

(1) The 75 largest global banking organizations, as measured by the Basel Committee on Banking Supervision; and

(2) Any other banking organization that the Basel Committee on Banking Supervision includes in its sample total for that year.

(b) *Assets under custody* means assets held as a custodian on behalf of customers, as reported by the bank holding company on the FR Y–15.

(c) *Average risk-weighted assets* means the four-quarter average of the measure of total risk-weighted assets associated with the lower of the bank holding company's common equity tier 1 risk-based capital ratios, as reported on the bank holding company's FR Y–9C for each quarter of the previous calendar year.

(d) *Brokered deposit* has the meaning set forth in 12 CFR 249.3.

(e) *Consolidated subsidiary* has the meaning set forth in 12 CFR 249.3.

(f) *Covered asset exchange* means a transaction in which a bank holding company has provided assets of a given liquidity category to a counterparty in exchange for assets of a higher liquidity category, and the bank holding company and the counterparty agreed to return such assets to each other at a future date. Categories of assets, in descending order of liquidity, are level 1 liquid assets, level 2A liquid assets, level 2B liquid assets, and assets that are not HQLA. Covered asset exchanges do not include secured funding transactions.

(g) *Financial sector entity* has the meaning set forth in 12 CFR 249.3.

(h) *GAAP* means generally accepted accounting principles as used in the United States.

(i) *High-quality liquid asset (HQLA)* has the meaning set forth in 12 CFR 249.3.

(j) *Cross-jurisdictional claims* means foreign claims on an ultimate risk basis, as reported by the bank holding company on the FR Y–15.

(k) *Cross-jurisdictional liabilities* means total cross-jurisdictional liabilities, as reported by the bank holding company on the FR Y–15.

(l) *Intra-financial system assets* means total intra-financial system assets, as reported by the bank holding company on the FR Y–15.

(m) *Intra-financial system liabilities* means total intra-financial system liabilities, as reported by the bank holding company on the FR Y–15.

(n) *Level 1 liquid asset* is an asset that qualifies as a level 1 liquid asset pursuant to 12 CFR 249.20(a).

(o) *Level 2A liquid asset* is an asset that qualifies as a level 2A liquid asset pursuant to 12 CFR 249.20(b).

(p) *Level 2B liquid asset* is an asset that qualifies as a level 2B liquid asset pursuant to 12 CFR 249.20(c).

(q) *Level 3 assets* means assets valued using Level 3 measurement inputs, as reported by the bank holding company on the FR Y–15.

(r) *Notional amount of over-the-counter (OTC) derivatives* means the total notional amount of OTC derivatives, as reported by the bank holding company on the FR Y–15.

(s) *Operational deposit* has the meaning set forth in 12 CFR 249.3.

(t) *Payments activity* means payments activity, as reported by the bank holding company on the FR Y–15.

(u) *Retail customer or counterparty* has the meaning set forth in 12 CFR 249.3.

(v) *Secured funding transaction* has the meaning set forth in 12 CFR 249.3.

(w) *Securities outstanding* means total securities outstanding, as reported by the bank holding company on the FR Y–15.

(x) *Short position* means a transaction in which a bank holding company has borrowed or otherwise obtained a security from a counterparty and sold that security, and the bank holding company must return the security to the initial counterparty in the future.

(y) *Systemic indicator* includes the following indicators included on the FR Y–15:

(1) Total exposures;

(2) Intra-financial system assets;

(3) Intra-financial system liabilities;

(4) Securities outstanding;

(5) Payments activity;

(6) Assets under custody;

(7) Underwritten transactions in debt and equity markets;

(8) Notional amount of over-the-counter (OTC) derivatives;

(9) Trading and available-for-sale (AFS) securities;

(10) Level 3 assets;

(11) Cross-jurisdictional claims; or

(12) Cross-jurisdictional liabilities.

(z) *Total exposures* means total exposures as reported by the bank holding company on the FR Y–15.

(aa) *Trading and AFS securities* means total adjusted trading and available-for-sale securities as reported by the bank holding company on the FR Y–15.

(bb) *Underwritten transactions in debt and equity markets* means total underwriting activity as reported by the bank holding company on the FR Y–15.

(cc) *Unsecured wholesale funding* has the meaning set forth in 12 CFR 249.3.

(dd) *Wholesale customer or counterparty* has the meaning set forth in 12 CFR 249.3.

§ 217.402 Identification as a global systemically important BHC.

A bank holding company is a global systemically important BHC if its method 1 score, as calculated under § 217.404, equals or exceeds 130 basis points. Subject to § 217.400(b)(2), a bank holding company must calculate its method 1 score on an annual basis by December 31 of each year.

§ 217.403 GSIB surcharge.

(a) *General.* Subject to § 217.400(b)(2), a company identified as a global systemically important BHC pursuant to § 217.402 must calculate its GSIB surcharge on an annual basis by December 31 of each year. For any given year, subject to paragraph (d) of this section, the GSIB surcharge is equal to the greater of:

(1) The method 1 surcharge calculated in accordance with paragraph (b) of this section; and

(2) The method 2 surcharge calculated in accordance with paragraph (c) of this section.

(b) *Method 1 surcharge*—(1) *General.* The method 1 surcharge of a global systemically important BHC is the amount set forth in Table 1 of this section that corresponds to the global systemically important BHC's method 1 score, calculated pursuant to § 217.404.

TABLE 1 TO § 217.403—METHOD 1 SURCHARGE

Method 1 score	Method 1 surcharge
Below 130	0.0 percent.
130—229	1.0 percent.
230—329	1.5 percent.
330—429	2.0 percent.
430—529	2.5 percent.
530—629	3.5 percent.

(2) *Higher method 1 surcharges.* To the extent that the method 1 score of a global systemically important BHC equals or exceeds 630 basis points, the method 1 surcharge equals the sum of:

(i) 4.5 percent; and

(ii) An additional 1.0 percent for each 100 basis points that the global systemically important BHC's score exceeds 630 basis points.

(c) *Method 2 surcharge*—(1) *General.* The method 2 surcharge of a global systemically important BHC is the amount set forth in Table 2 of this section that corresponds to the global systemically important BHC's method 2 score, calculated pursuant to § 217.405.

TABLE 2 TO § 217.403: METHOD 2 SURCHARGE

Method 2 score	Method 2 surcharge
Below 130	0.0 percent.
130—229	1.0 percent.
230—329	1.5 percent.
330—429	2.0 percent.
430—529	2.5 percent.
530—629	3.0 percent.
630—729	3.5 percent.
730—829	4.0 percent.
830—929	4.5 percent.
930—1029	5.0 percent.
1030—1129	5.5 percent.

(2) *Higher method 2 surcharges.* To the extent that the method 2 score of a global systemically important BHC equals or exceeds 1130 basis points, the method 2 surcharge equals the sum of:

(i) 6.5 percent; and

(ii) An additional 0.5 percent for each 100 basis points that the global systemically important BHC's score exceeds 1130 basis points.

(d) *Effective date of an adjusted GSIB surcharge*—(1) *Increase in GSIB surcharge.* An increase in the GSIB surcharge of a global systemically important BHC will take effect (*i.e.,* be incorporated into the maximum payout ratio under Table 1 to § 217.11) on January 1 of the year that is one full calendar year after the increased GSIB surcharge was calculated.

(2) *Decrease in GSIB surcharge.* A decrease in the GSIB surcharge of a global systemically important BHC will take effect (*i.e.,* be incorporated into the maximum payout ratio under Table 1 to § 217.11) on January 1 of the year immediately following the calendar year in which the decreased GSIB surcharge was calculated.

§ 217.404 Method 1 score.

(a) *General.* A bank holding company's method 1 score is the sum of its systemic indicator scores for the twelve systemic indicators set forth Table 1 of this section, as determined under paragraph (b) of this section.

(b) *Systemic indicator score.* (1) Except as provided in paragraph (b)(2) of this section, the systemic indicator score in basis points for a given systemic indicator is equal to:

(i) The ratio of:

(A) The amount of that systemic indicator, as reported on the bank holding company's most recent FR Y–15; to

(B) The aggregate global indicator amount for that systemic indicator

published by the Board in the fourth quarter of that year;

(ii) Multiplied by 10,000; and

(iii) Multiplied by the indicator weight corresponding to the systemic indicator as set forth in Table 1 of this section.

(2) *Maximum substitutability score.* The sum of the systemic indicator scores for the indicators in the substitutability category (assets under custody, payments systems activity, and underwriting activity) will not exceed 100 basis points.

TABLE 1 TO § 217.404—SYSTEMIC INDICATOR WEIGHTS

Category	Systemic indicator	Indicator weight
Size	Total exposures	20 percent.
Interconnectedness	Intra-financial system assets	6.67 percent.
	Intra-financial system liabilities	6.67 percent.
	Securities outstanding	6.67 percent.
Substitutability	Payments activity	6.67 percent.
	Assets under custody	6.67 percent.
	Underwritten transactions in debt and equity markets	6.67 percent.
Complexity	Notional amount of over-the-counter (OTC) derivatives	6.67 percent.
	Trading and available-for-sale (AFS) securities	6.67 percent.
	Level 3 assets	6.67 percent.
Cross-jurisdictional activity	Cross-jurisdictional claims	10 percent.
	Cross-jurisdictional liabilities	10 percent.

§ 217.405 Method 2 score.

(a) *General.* A global systemically important BHC's method 2 score is equal to:

(1) The sum of:

(i) The global systemically important BHC's systemic indicator scores for the nine systemic indicators set forth Table 1 of this section, as determined under paragraph (b) of this section; and

(ii) The global systemically important BHC's short-term wholesale funding score, calculated pursuant to § 217.406.

(b) *Systemic indicator score.* A global systemically important BHC's score for a systemic indicator is equal to:

(1) The amount of the systemic indicator, as reported on the global systemically important BHC's most recent FR Y–15;

(2) Multiplied by the coefficient corresponding to the systemic indicator set forth in Table 1 of this section.

TABLE 1 TO § 217.405—COEFFICIENTS FOR SYSTEMIC INDICATORS

Category	Systemic indicator	Coefficient value (%)
Size	Total exposures	4.423
Interconnectedness	Intra-financial system assets	12.007
	Intra-financial system liabilities	12.490
	Securities outstanding	9.056
Complexity	Notional amount of over-the-counter (OTC) derivatives	0.155
	Trading and available-for-sale (AFS) securities	30.169
	Level 3 assets	161.177
Cross-jurisdictional activity	Cross-jurisdictional claims	9.277
	Cross-jurisdictional liabilities	9.926

§ 217.406 Short-term wholesale funding score.

(a) *General.* Except as provided in § 217.400(b)(3)(ii), a global systemically important BHC's short-term wholesale funding score is equal to:

(1) The average of the global systemically important BHC's weighted short-term wholesale funding amount (defined in paragraph (b) of this section);

(2) Divided by the global systemically important BHC's average risk-weighted assets; and

(3) Multiplied by a fixed factor of 350.

(b) *Weighted short-term wholesale funding amount.* (1) To calculate its weighted short-term wholesale funding amount, a global systemically important BHC must calculate the amount of its short-term wholesale funding on a consolidated basis for each business day of the previous calendar year and weight the components of short-term wholesale funding in accordance with Table 1 of this section.

(2) Short-term wholesale funding includes the following components, each as defined in paragraph (c) of this section:

(i) All funds that the bank holding company must pay under each secured funding transaction, other than an operational deposit, with a remaining maturity of 1 year or less;

(ii) All funds that the bank holding company must pay under all unsecured wholesale funding, other than an operational deposit, with a remaining maturity of 1 year or less;

(iii) The fair value of an asset as determined under GAAP that a bank holding company must return under a covered asset exchange with a remaining maturity of 1 year or less;

(iv) The fair value of an asset as determined under GAAP that the bank holding company must return under a short position to the extent that the borrowed asset does not qualify as a Level 1 liquid asset or a Level 2A liquid asset; and

(v) All brokered deposits held at the bank holding company provided by a retail customer or counterparty.

(3) For purposes of calculating the short-term wholesale funding amount and the components thereof, a bank holding company must assume that each asset or transaction described in paragraph (b)(2) of this section matures in accordance with the criteria set forth in 12 CFR 249.31.

TABLE 1 TO § 217.406—SHORT-TERM WHOLESALE FUNDING COMPONENTS AND WEIGHTS

Component of short-term wholesale funding	Remaining maturity of 30 days of less or no maturity	Remaining maturity of 31 to 90 days	Remaining maturity of 91 to 180 days	Remaining maturity of 181 to 365 days
Category 1 ..... (1) Secured funding transaction secured by a level 1 liquid asset; (2) Unsecured wholesale funding where the customer or counterparty is not a financial sector entity or a consolidated subsidiary thereof; (3) Brokered deposits provided by a retail customer or counterparty; and (4) Short positions where the borrowed asset does not qualify as either a level 1 liquid asset or level 2A liquid asset.	25 percent	10 percent	0 percent	0 percent.
Category 2 ..... (1) Secured funding transaction secured by a level 2A liquid asset; and (2) Covered asset exchanges involving the future exchange of a Level 1 liquid asset for a Level 2A liquid asset.	50 percent	25 percent	10 percent	0 percent.
Category 3 ..... (1) Secured funding transaction secured by a level 2B liquid asset; (2) Covered asset exchanges (other than those described in Category 2); and (3) Unsecured wholesale funding (other than unsecured wholesale funding described in Category 1).	75 percent	50 percent	25 percent	10 percent.
Category 4 ..... Any other component of short-term wholesale funding.	100 percent	75 percent	50 percent	25 percent.

Note: The following Appendix will not appear in the Code of Federal Regulations.

Appendix

Calibrating the GSIB Surcharge

Abstract

This white paper discusses how to calibrate a capital surcharge that tracks the systemic footprint of a global systemically important bank holding company (GSIB). There is no widely accepted calibration methodology for determining such a surcharge. The white paper focuses on the ''expected impact'' framework, which is based on each GSIB's expected impact on the financial system, understood as the harm it would cause to the financial system were it to fail multiplied by the probability that it will fail. Because a GSIB's failure would cause more harm than the failure of a non-GSIB, a GSIB should hold enough capital to lower its probability of failure so that its expected impact is approximately equal to that of a non-GSIB.

Applying the expected impact framework requires several elements. First, it requires a method for measuring the relative harm that a given banking firm's failure would cause to the financial system—that is, its systemic footprint. This white paper uses the two methods as set forth in the GSIB surcharge rule to quantify a firm's systemic impact. Those methods look to attributes of a firm that are drivers of its systemic importance, such as size, interconnectedness, and cross-border activity. Both methodologies use the most recent data available, and firms' scores will change over time as their systemic footprints change. Second, the expected impact framework requires a means of estimating the probability that a firm with a given level of capital will fail. This white paper estimates that relationship using historical data on the probability that a large U.S. banking firm will experience losses of various sizes. Third, the expected impact framework requires the choice of a ''reference'' bank holding company: A large, non-GSIB banking firm whose failure would not pose an outsized risk to the financial system. This white paper discusses several plausible choices of reference BHC.

With these elements, it is possible to estimate a capital surcharge that would reduce a GSIB's expected impact to that of a non-GSIB reference BHC. For each choice of reference BHC, the white paper provides the ranges of reasonable surcharges for each U.S. GSIB.

Introduction

The Dodd-Frank Wall Street Reform and Consumer Protection Act[68] mandates that the Board of Governors of the Federal Reserve System adopt, among other prudential measures, enhanced capital standards to mitigate the risk posed to financial stability by systemically important financial institutions (SIFIs). The Board has already implemented a number of measures designed to strengthen firms' capital positions in a manner consistent with the Dodd-Frank Act's requirement that such measures increase in stringency based on the systemic importance of the firm.

As part of this process, the Board has proposed a set of capital surcharges to be applied to the eight U.S. bank holding companies (BHCs) of the greatest systemic importance, which have been denominated global systemically important bank holding companies (GSIBs). Setting such an enhanced capital standard entails (1) measuring the risk that a given GSIB's failure poses to financial stability (that is, the GSIB's systemic footprint) *and* (2) estimating how much additional capital is needed to mitigate the systemic risk posed by a firm with a given systemic footprint.

This white paper explains the calibration of the capital surcharges, based on the measures of each GSIB's systemic footprint derived from the two methods described in the GSIB surcharge final rule and discussed in detail in the preamble to the rule. Because there is no single widely accepted framework for calibrating a GSIB surcharge, the Board considered several potential approaches. This paper focuses on the ''expected impact'' framework, which is the most appropriate approach for helping to scale the level of a capital surcharge. This paper explains the expected impact framework in detail. It provides surcharge calibrations resulting from that framework under a range of plausible assumptions, incorporating the uncertainty that is inherent in the study of rare events such as systemic banking failures. This paper also discusses, at a high level, two alternative calibration frameworks, and it explains why neither seemed as useful as a framework for the calibration of the GSIB surcharge.

Background

The failures and near-failures of SIFIs were key drivers of the 2007–08 financial crisis and the resulting recession. They were also key drivers of the public-sector response to the crisis, in which the United States government sought to prevent SIFI failures through extraordinary measures such as the Troubled Asset Relief Program. The experience of the crisis made clear that the

[68] Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

failure of a SIFI during a period of stress can do great damage to financial stability, that SIFIs themselves lack sufficient incentives to take precautions against their own failures, that reliance on extraordinary government interventions going forward would invite moral hazard and lead to competitive distortions, and that the pre-crisis regulatory focus on microprudential risks to individual financial firms needed to be broadened to include threats to the overall stability of the financial system.

In keeping with these lessons, post-crisis regulatory reform has placed great weight on ''macroprudential'' regulation, which seeks to address threats to financial stability. Section 165 of the Dodd-Frank Act pursues this goal by empowering the Board to establish enhanced regulatory standards for ''large, interconnected financial institutions'' that ''are more stringent than the standards . . . applicable to [financial institutions] that do not present similar risks to the financial stability of the United States'' and ''increase in stringency'' in proportion to the systemic importance of the financial institution in question.[69] Section 165(b)(1)(A)(i) of the act points to risk-based capital requirements as a required type of enhanced regulatory standard for SIFIs.

Rationales for a GSIB Surcharge

The Dodd-Frank Act's mandate that the Board adopt enhanced capital standards to mitigate the risk posed to financial stability by certain large financial institutions provides the principal statutory impetus for enhanced capital requirements for SIFIs. Because the failure of a SIFI could undermine financial stability and thus cause far greater negative externalities than could the failure of a financial institution that is not systemically important, a probability of default that would be acceptable for a non-systemic firm may be unacceptably high for a SIFI. Reducing the probability that a SIFI will default reduces the risk to financial stability. The most straightforward means of lowering a financial firm's probability of default is to require it to hold a higher level of capital relative to its risk-weighted assets than non-SIFIs are required to hold, thereby enabling it to absorb greater losses without becoming insolvent.

There are also two secondary rationales for enhanced capital standards for SIFIs. First, higher capital requirements create incentives for SIFIs to shrink their systemic footprint, which further reduces the risks these firms pose to financial stability. Second, higher capital requirements may offset any funding advantage that SIFIs have on account of being perceived as ''too big to fail,'' which reduces the distortion in market competition caused by the perception and the potential that counterparties may inappropriately shift more risk to SIFIs, thereby increasing the risk those firms pose to the financial system. Increased capital makes GSIBs more resilient in times of economic stress, and, by increasing the capital cushion available to the firm, may afford the firm and supervisors more time to address weaknesses at the firm that could reverberate through the financial system were the firm to fail.

[69] Section 165(a)(1).

The Expected Impact Framework

By definition, a GSIB's failure would cause greater harm to financial stability than the failure of a banking organization that is not a GSIB.[70] Thus, if all banking organizations are subject to the same risk-based capital requirements and have similar probabilities of default, GSIBs will impose far greater systemic risks than non-GSIBs will. The expected impact framework addresses this discrepancy by subjecting GSIBs to capital surcharges that are large enough that the expected systemic loss from the failure of a given GSIB better approximates the expected systemic loss from the failure of a BHC that is large but is not a GSIB. (We will call this BHC the ''reference BHC.'')

The expected loss from a given firm's failure can be computed as the systemic losses that would occur if that firm failed, discounted by the probability of its failure. Using the acronyms LGD (systemic loss given default), PD (probability of default), and EL (expected loss), this idea can be expressed as follows:

$EL = LGD * PD$

The goal of a GSIB surcharge is to equalize the expected loss from a GSIB's failure to the expected loss from the failure of a non-GSIB reference BHC:

$EL_{GSIB} = EL_r$

By definition, a GSIB's LGD is higher than that of a non-GSIB. So to equalize EL between GSIBs and non-GSIBs, we must require each GSIB to lower its PD, which we can do by requiring it to hold more capital.

This implies that a GSIB must increase its capital level to the extent necessary to reach a PD that is as many times lower than the PD of the reference BHC as its LGD is higher than the LGD of the reference BHC. (For example, suppose that a particular GSIB's failure would cause twice as much loss as the failure of the reference BHC. In that case, to equalize EL between the two firms, we must require the GSIB to hold enough additional capital that its PD is half that of the reference BHC.) That determination requires the following components, which we will consider in turn:

1. A method for creating ''LGD scores'' that quantify the GSIBs' LGDs
2. An LGD score for the reference BHC
3. A function relating a firm's capital ratio to its PD

Quantifying GSIB LGDs

The final rule employs two methods to measure GSIB LGD:

- Method 1 is based on the internationally accepted GSIB surcharge framework, which produces a score derived from a firm's attributes in five categories: Size, interconnectedness, complexity, cross-jurisdictional activity, and substitutability.
- Method 2 replaces method 1's substitutability category with a measure of a firm's reliance on short-term wholesale funding.

The preambles to the GSIB surcharge notice of proposed rulemaking and final rule explain why these categories serve as proxies for the systemic importance of a banking organization (and thus the systemic harm that its failure would cause). They also explain how the categories are weighted to produce scores under method 1 and method 2. Table 1 conveys the Board's estimates of the current scores for the eight U.S. BHCs with the highest scores. These scores are estimated from the most recent available data on firm-specific indicators of systemic importance. The actual scores that will apply when the final rule takes effect may be different and will depend on the future evolution of the firm-specific indicator values.

TABLE 1—TOP EIGHT SCORES UNDER EACH METHOD

Firm	Method 1 score	Method 2 score
JPMorgan Chase	473	857
Citigroup	409	714
Bank of America	311	559
Goldman Sachs	248	585
Morgan Stanley	224	545
Wells Fargo	197	352
Bank of New York Mellon	149	213
State Street	146	275

Note: These estimates are based on data sources described below. They may not reflect the actual scores of a given firm. Method 1 estimates were produced using indicator data reported by firms on the FR Y–15 as of December 31, 2014, and global aggregate denominators reported by the Basel Committee on Banking Supervision (BCBS) as of December 31, 2013. Method 2 estimates were produced using the same indicator data and the average of the global aggregate denominators reported by the BCBS as of the ends of 2012 and 2013. For the eight U.S. BHCs with the highest scores, the short-term wholesale funding component of method 2 was estimated using liquidity data collected through the supervisory process and averaged across 2014. Unless otherwise specified, these data sources were used to estimate all method 1 and method 2 scores included in this paper.

This paper assumes that the relationships between the scores produced by these methods and the firms' systemic LGDs are linear. In other words, it assumes that if firm A's score is twice as high as firm B's score, then the systemic harms that would flow from firm A's failure would be twice as great as those that would flow from firm B's failure.

In fact, there is reason to believe that firm A's failure would do more than twice as much damage as firm B's. (In other words, there is reason to believe that the function relating the scores to systemic LGD increases at an increasing rate and is therefore non-linear.) The reason is that at least some of the

[70] Cf. Dodd-Frank Act section 165(a)(1), which instructs the Board to apply more stringent prudential standards to certain large financial firms ''[i]n order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure . . . of large, interconnected financial institutions.'' As illustrated by the financial crisis that led Congress to enact the Dodd-Frank Act, financial instability can lead to a wide range of social harms, including the declines in employment and GDP growth that are associated with an economic recession.

components of the two methods appear to increase the systemic harms that would result from a default at an increasing rate, while none appears to increase the resulting systemic harm at a decreasing rate. For example, because the negative price impact associated with the fire-sale liquidation of certain asset portfolios increases with the size of the portfolio, systemic LGD appears to grow at an increasing rate with the size, complexity, and short-term wholesale funding metrics used in the methods. Thus, this paper's assumption of a linear relationship simplifies the analysis while likely resulting in surcharges lower than those that would result if the relationship between scores and systemic LGD were assumed to be non-linear.

The Reference BHC's Systemic LGD Score

The reference BHC is a real or hypothetical BHC whose LGD will be used in our calculations. The expected impact framework requires that the reference BHC be a non-GSIB, but it leaves room for discretion as to the reference BHC's identity and LGD score.

Potential Approaches

The reference BHC score can be viewed as simply the LGD score which, given the PD associated with the generally applicable capital requirements, produces the highest EL that is consistent with the purposes and mandate of the Dodd-Frank Act. The effect of setting the reference BHC score to that LGD score would be to hold all GSIBs to that EL level. The purpose of the Dodd-Frank Act is ''to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure, or ongoing activities, of large, interconnected financial institutions.'' [71] The following options appear to be conceptually plausible ways of identifying the reference BHC for purposes of establishing a capital requirement for GSIBs that lowers the expected loss from the failure of a GSIB to the level associated with the failure of a non-GSIB.

Option 1: A BHC with $50 billion in assets. Section 165(a)(1) of the Dodd-Frank Act calls for the Board to ''establish prudential standards for . . . bank holding companies with total consolidated assets equal to or greater than $50,000,000,000 that (A) are more stringent than the standards . . . applicable to . . . bank holding companies that do not present similar risks to the financial stability of the United States; and (B) increase in stringency.'' Section 165 is the principal statutory basis for the GSIB surcharge, and its $50 billion figure provides a line below which it may be argued that Congress did not believe that BHCs present sufficient ''risks to the financial stability of the United States'' to warrant mandatory enhanced prudential standards. It would therefore be reasonable to require GSIBs to hold enough capital to reduce their expected systemic loss to an amount equal to that of a $50 billion BHC that complies with the generally applicable capital rules. Although $50 billion BHCs could have a range of LGD scores based upon their other attributes, reasonable score estimates for a BHC of that size are 3 under method 1 and 37 under method 2.[72]

Option 2: A BHC with $250 billion in assets. The Board's implementation of the advanced approaches capital framework imposes enhanced requirements on banking organizations with at least $250 billion in consolidated assets. This level distinguishes the largest and most internationally active U.S. banking organizations, which are subject to other enhanced capital standards, including the countercyclical capital buffer and the supplementary leverage ratio.[73] The $250 billion threshold therefore provides another viable line for distinguishing between the large, complex, internationally active banking organizations that pose a substantial threat to financial stability and those that do not pose such a substantial threat. Although $250 billion BHCs could have a range of LGD scores based upon their other attributes, reasonable score estimates for a BHC of that size are 23 under method 1 and 60 under method 2.[74]

Option 3: The U.S. non-GSIB with the highest LGD score. Another plausible reference BHC is the actual U.S. non-GSIB BHC that comes closest to being a GSIB—in other words, the U.S. non-GSIB with the highest LGD score. Under method 1, the highest score for a U.S. non-GSIB is 51 (the second-highest is 39). Under method 2, the highest score for a U.S. non-GSIB is estimated to be 85 (the second- and third-highest scores are both estimated to be 75).[75]

Option 4: A hypothetical BHC at the cut-off line between GSIBs and non-GSIBs. Given that BHCs are divided into GSIBs and non-GSIBs based on their systemic footprint and that LGD scores provide our metric for quantifying firms' systemic footprints, there must be some LGD score under each method that marks the ''cut-off line'' between GSIBs and non-GSIBs. The reference BHC's score should be no higher than this cut-off line, since the goal of the expected impact framework is to lower each GSIB's EL so that it equals the EL of a non-GSIB. Under this option, the reference BHC's score should also be no *lower* than the cut-off line, since if it were lower, then a non-GSIB firm could exist that had a higher LGD and therefore (because it would not be subject to a GSIB surcharge) a higher EL than GSIBs are permitted to have. Under this reasoning, the reference BHC should have an LGD score that is exactly on the cut-off line between GSIBs and non-GSIBs. That is, it should be just on the cusp of being a GSIB.

What LGD score marks the cut-off line between GSIB and non-GSIB? With respect to method 1, figure 1 shows that there is a large drop-off between the eighth-highest score (146) and the ninth-highest score (51). Drawing the cut-off line within this target range is reasonable because firms with scores at or below 51 are much closer in size and complexity to financial firms that have been resolved in an orderly fashion than they are to the largest financial firms, which have scores between three and nine times as high and are significantly larger and more complex. We will choose a cut-off line at 130, which is at the high end of the target range. This choice is appropriate because it aligns with international standards and facilitates comparability among jurisdictions. It also establishes minimum capital surcharges that are consistent internationally.

[71] Section 165(a)(1).

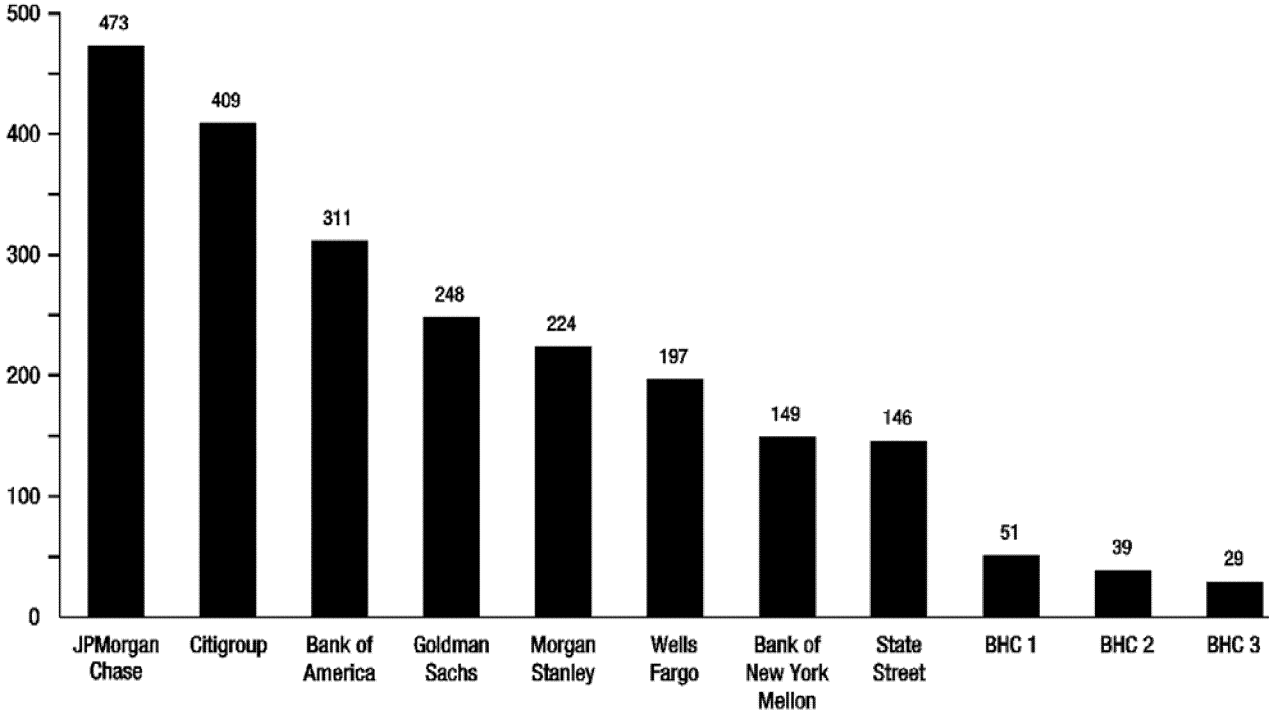
[72] These estimates were produced by plotting the estimated scores of six U.S. BHCs with total assets between $50 billion and $100 billion against their total assets, running a linear regression, and finding the score implied by the regression for a $50 billion firm. These firms' scores were estimated using data from the sources described in the general note to table 1, except that figures for the short-term wholesale funding component of method 2 were estimated using FR Y–9C data from the first quarter of 2015 and Federal Reserve quantitative impact study (QIS) data as of the fourth quarter of 2014. Scores for firms with total assets below $50 billion were not estimated (and therefore were not included in the regression analysis) because the Federal Reserve does not collect as much data from those firms.

[73] Advanced approaches banking organizations also include firms with on-balance sheet foreign exposures of $10 billion or more.

[74] These estimates were produced by applying the approach described in footnote 5 to 10 U.S BHCs with total assets between $100 billion and $400 billion. Bank of New York Mellon and State Street, which have total assets within that range, were excluded from the sample because they are GSIBs and the expected impact framework assumes that the reference BHC is a non-GSIB.

[75] These estimates were produced using data from the sources described in the general note to table 1, except that figures for the short-term wholesale funding component of method 2 were estimated using FR Y–9C data from the first quarter of 2015 and Federal Reserve quantitative impact study (QIS) data as of the fourth quarter of 2014.

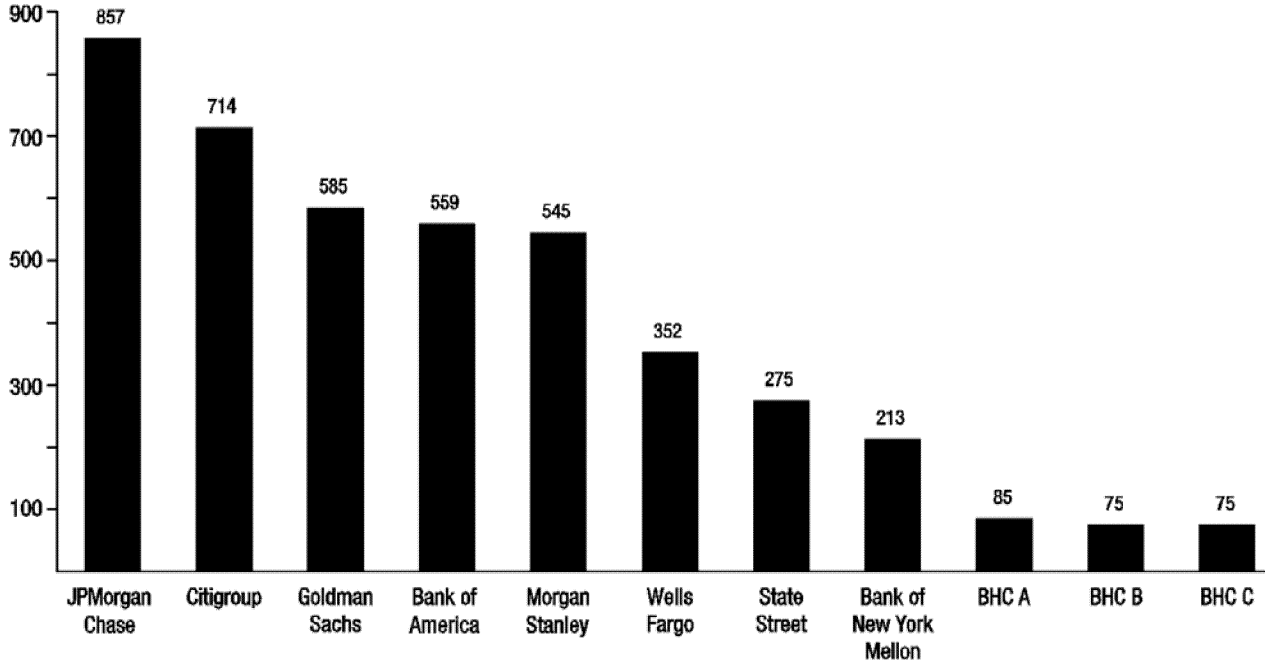
Figure 1. Estimated method 1 scores



A similar approach can be used under method 2. Figure 2 depicts the estimated method 2 scores of the eleven U.S. BHCs with the highest estimated scores. A large drop-off in the distribution of scores with a significant difference in character of firms occurs between firms with scores above 200 and firms with scores below 100.

The range between Bank of New York Mellon and the next-highest-scoring firm is the most rational place to draw the line between GSIBs and non-GSIBs: Bank of New York Mellon's score is roughly 251 percent of the score of the next highest-scoring firm, which is labeled BHC A. (There is also a large gap between Morgan Stanley's score and Wells Fargo's, but the former is only about 154 percent of the latter.) This approach also generates the same list of eight U.S. GSIBs as is produced by method 1. In selecting a specific line within this range, we considered the statutory mandate to protect U.S. financial stability, which argues for a method of calculating surcharges that addresses the importance of mitigating the failure of U.S. GSIBs, which are among the most systemic in the world. This would suggest a cut-off line at the lower end of the target range. The lower threshold is appropriate in light of the fact that method 2 uses a measure of short-term wholesale funding in place of substitutability. Specifically, short-term wholesale funding is believed to have particularly strong contagion effects that could more easily lead to major systemic events, both through the freezing of credit markets and through asset fire sales. These systemic impacts support the choice of a threshold at the lower end of the range for method 2.

Figure 2. Estimated method 2 scores



Although the failure of a firm with the systemic footprint of BHC A poses a smaller risk to financial stability than does the failure of one of the eight GSIBs, it is nonetheless possible that the failure of a very large banking organization like BHC A, BHC B, or BHC C could have a negative effect on financial stability, particularly during a period of industry-wide stress such as occurred during the 2007–08 financial crisis. This provides additional support for our decision to draw the line between GSIBs and non-GSIBs at 100 points, at the lower end of the range between Bank of New York Mellon and BHC A.

Note that we have set our method 2 reference BHC score near the bottom of the target range and our method 1 reference BHC score near the top of the target range. Due to the choice of reference BHC in method 2, method 2 is likely to result in higher surcharges than method 1. Calculating surcharges under method 1 in part recognizes the international standards applied globally to GSIBs. Using a globally consistent approach for establishing a baseline surcharge has benefits for the stability of the entire financial system, which is globally interconnected. At the same time, using an approach that results in higher surcharges for most GSIBs is consistent with the statutory mandate to protect financial stability in the United States and with the risks presented by short-term wholesale funding.

Capital and Probability of Default

To implement the expected impact approach, we also need a function that relates capital ratio increases to reductions in probability of default. First, we use historical data drawn from FR Y–9C regulatory reports from the second quarter of 1987 through the fourth quarter of 2014 to plot the probability distribution of returns on risk-weighted assets (RORWA) for the 50 largest BHCs (determined as of each quarter), on a four-quarter rolling basis.[76] RORWA is defined as after-tax net income divided by risk-weighted assets. Return on risk-weighted assets provides a better measure of risk than return on total assets would, because the risk weightings have been calibrated to ensure that two portfolios with the same risk-weighted assets value contain roughly the same amount of risk, whereas two portfolios with total assets of the same value can contain very different amounts of risk depending on the asset classes in question.

We select this date range and set of firms to provide a large sample size while focusing on data from the relatively recent past and from very large firms, which are more germane to our purposes. Data from the past three decades may be an imperfect predictor of future trends, as there are factors that suggest that default probabilities in the future may be either lower or higher than would be predicted on the basis of the historical data.

On the one hand, these data do not reflect many of the regulatory reforms implemented in the wake of the 2007–08 financial crisis that are likely to reduce the probability of very large losses and therefore the probability of default associated with a given capital level. For example, the Basel 2.5 and Basel III capital reforms are intended to increase the risk-sensitivity of the risk weightings used to measure risk-weighted assets, which suggests that the risk of losses associated with each dollar of risk-weighted assets under Basel III will be lower than the historical, pre-Basel III trend. Similarly, post-crisis liquidity initiatives (the liquidity coverage ratio and the net stable funding ratio) should reduce the default probabilities of large banking firms and the associated risk of fire sales. Together, these reforms may lessen a GSIB's probability of default and potentially imply a lower GSIB surcharge.

On the other hand, however, extraordinary government interventions during the time period of the dataset (particularly in response to the 2007–08 financial crisis) undoubtedly prevented or reduced large losses that many of the largest BHCs would otherwise have suffered. Because one core purpose of post-crisis reform is to avoid the need for such extraordinary interventions in the future, the GSIB surcharge should be calibrated using data that include the severe losses that would have materialized in the absence of such intervention; because the interventions in fact occurred, using historical RORWA data may lead us to underestimate the probability of default associated with a given capital level. In short, there are reasons to believe that the historical data underestimate the future trend, and there are reasons to believe that those data overestimate the future trend. Although the extent of the over- and underestimations cannot be rigorously quantified, a reasonable assumption is that they roughly cancel each other out.[77]

[76] Because Basel I risk-weighted assets data are only available from 1996 onward, risk-weighted assets data for earlier years are estimated by back-fitting the post-1996 ratio between risk-weighted assets and total assets onto pre-1996 total assets data. See Andrew Kuritzkes and Til Schuermann (2008), ''What We Know, Don't Know, and Can't Know about Bank Risk: A View from the Trenches,'' University of Pennsylvania, Financial Institutions Center paper #06–05, *http://fic.wharton.upenn.edu/fic/papers/06/0605.pdf.*

[77] The concept of risk aversion provides additional support for this assumption. While the failure of a GSIB in any given year is unlikely, the costs from such a failure to financial stability could be severe. By contrast, any costs from higher capital surcharges will be distributed more evenly among different states of the world. Presumably society is risk-averse and, in a close case, would prefer the latter set of costs to the former. While this paper does not attempt to incorporate risk aversion into its quantitative analysis, that concept does provide additional support for the decision not to discount

Figure 3 displays the estimated quantiles of ROWRA from 0.1 to 5.0. The sample quantiles are represented by black dots. The dashed lines above and below the estimated quantiles represent a 99 percent confidence interval for each estimated quantile. As shown in the figure, the uncertainty around more extreme quantiles is substantially larger than that around less extreme quantiles. This is because actual events relating to more extreme quantiles occur much less frequently and are, as a result, subject to considerably more uncertainty. The solid line that passes through the black dots is an estimated regression function that relates the estimated value of the quantile to the natural logarithm of the associated probability. The specification of the regression function is provided in the figure which reports both the estimated coefficients of the regression function and the standard errors, in parentheses, associated with the estimated coefficients.

Figure 3. Returns on risk-weighted assets (RORWA)
(Bottom five percentiles, 50 largest BHCs in each quarter, 2Q87 through 4Q14)

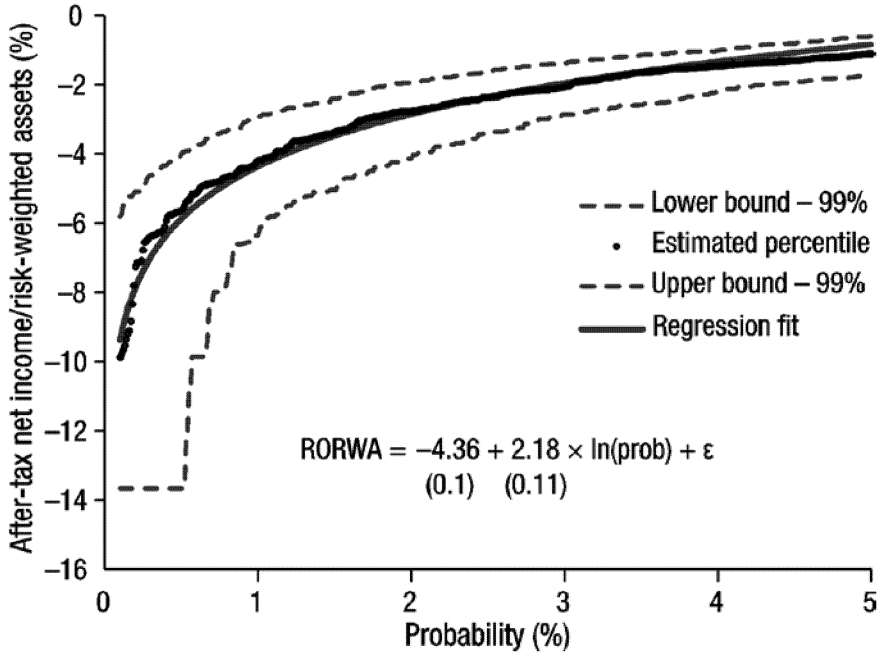


Figure 3 shows that RORWA is negative (that is, the firm experiences a loss) more than 5 percent of the time, with most losses amounting to less than 4 percent of risk-weighted assets. The formula for the logarithmic regression on this RORWA probability distribution (with RORWA represented by *y* and the percentile associated with that RORWA by *x*) is:

$y = 2.18 * \ln(x) - 4.36$

The inverse of this function, which we will label *p(RORWA),* gives the probability that a particular realization of RORWA, $\tilde{R}$ will be less than or equal to a specified level over a given year. That function is:

$$p(\tilde{R} \leq RORWA) = p(RORWA) = e^{\frac{RORWA+4.36}{2.18}}$$

Next, assume that a BHC becomes non-viable and consequently defaults if and only if its capital ratio *k* (measured in terms of common equity tier 1 capital, or CET1) falls to some failure point *f.* (Note that *k* is a variable and *f* is a constant.) We assume that RORWA and *k* are independent, which is appropriate because the return on an asset should not depend to a significant extent on the identity of the entity holding the asset or on that entity's capital ratio. We can now estimate the probability that a BHC with capital level *k* will suffer sufficiently severe losses (that is, a negative RORWA of sufficiently great magnitude) to bring its capital ratio down to the failure point *f.* We are looking for the probability that *k* will fall to *f,* that is, the probability that *k* + RORWA = *f.* Solving for RORWA, we get RORWA = $f - k$, which we can then plug into the function above to find the probability of default as a function of the capital ratio *k:*[78]

$$p(k) = e^{\frac{(f-k)+4.36}{2.18}} = e^{\frac{(f+4.36)-k}{2.18}}$$

the historical probability of large losses in light of post-crisis regulatory reforms.

[78] This paper treats dollars of risk-weighted assets as equivalent regardless of whether they are measured under the risk weightings of Basel I or of Basel III. This treatment makes sense because the two systems produce roughly comparable results and there does not appear to be any objectively correct conversion factor for converting between them.

Application

We can now create a function that takes as its input a GSIB's LGD score and produces a capital surcharge for that GSIB. In the course of doing so, we will find that the resulting surcharges are invariant to both the failure point *f* and the generally applicable capital level that the GSIB surcharge is held on top of, which means that we do not need to make any assumption about the value of these two quantities. Recall that the goal of the expected impact framework is to make the following equation true:

$EL_{GSIB} = EL\gamma$

Let k_r be the generally applicable capital level held by the reference BHC, and let k_{GSIB} be the GSIB surcharge that a given GSIB is required to hold on top of k_r. Thus, the reference BHC's probability of default will be $p(k_r)$ and each GSIB's probability of default will be $p(k_r + k_{GSIB})$, with the value of k_{GSIB} varying from firm to firm. Because $EL = LGD * PD$, the equation above can be expressed as:

$LGD_{GSIB} * p(k\gamma + k_{GSIB}) = LGD\gamma * p(k\gamma)$

$$\frac{p(k_r + k_{GSIB})}{p(k_r)} = \frac{LGD_r}{LGD_{GSIB}}$$

Plugging in our function $p(k)$, we obtain:

$$\frac{e^{\frac{(f+4.36)-(k_r+k_{GSIB})}{2.18}}}{e^{\frac{(f+4.36)-k_r}{2.18}}} = \frac{LGD_r}{LGD_{GSIB}}$$

The left side of this equation can be simplified as follows:

$$\frac{e^{\frac{(f+4.36)-(k_r+k_{GSIB})}{2.18}}}{e^{\frac{(f+4.36)-k_r}{2.18}}} = e^{\frac{f+4.36-k_r-k_{GSIB}-f-4.36+k_r}{2.18}} = e^{-\frac{k_{GSIB}}{2.18}}$$

As promised, the failure point f and the baseline capital level k_r prove to be irrelevant. This is a consequence of the assumption that the quantiles of the RORWA distribution are linearly related to the logarithm of the quantile. Thus, we have:

$$e^{-\frac{k_{GSIB}}{2.18}} = \frac{LGD_r}{LGD_{GSIB}}$$

We can now solve for k_{GSIB}:

$$k_{GSIB} = -2.18 * \ln\left(\frac{LGD_r}{LGD_{GSIB}}\right)$$

The appropriate surcharge for a given GSIB depends only on that GSIB's LGD score and the chosen reference BHC's LGD score. Indeed, the surcharge does not even depend on the particular values of those two scores, but only on the ratio between them. Thus, doubling, halving, or otherwise multiplying both scores by the same constant will not affect the resulting surcharges. And since each of our reference BHC options was determined in relation to the LGD scores of actual firms, any multiplication applied to the calculation of the firms' LGD scores will also carry over to the resulting reference BHC scores.

Note that the specific GSIB surcharge depends on the slope coefficient that determines how the quantiles of the RORWA distribution change as the probability changes. The empirical analysis presented in figure 3 suggests a value for the slope coefficient of roughly 2.18; however, there is uncertainty regarding the true population value of this coefficient. There are two important sources of uncertainty. First, the estimated value of 2.18 is a statistical estimate that is subject to sampling uncertainty. This sampling uncertainty is characterized in terms of the standard error of the coefficient estimate, which is 0.11 (as reflected in parentheses beneath the point estimate in figure 3). Under standard assumptions, the estimated value of the slope coefficient is approximately normally distributed with a mean of 2.18 and a standard deviation of 0.11. A 99 percent confidence interval for the slope coefficient ranges from approximately 1.9 to 2.4.

Second, there is additional uncertainty around the slope coefficient that arises from uncertainty as to whether the data sample used to construct the estimated slope coefficient is indicative of the RORWA distribution that will obtain in the future. As discussed above, there are reasons to believe that the future RORWA distribution will differ to some extent from the historical distribution. Accordingly, the 99 percent confidence interval for the slope coefficient that is presented above is a lower bound to the true degree of uncertainty that should be attached to the slope coefficient.

We can now use the GSIB surcharge formula and 99 percent confidence interval presented above to compute the ranges of capital surcharges that would obtain for each of the reference BHC options discussed above. Table 2 presents method 1 surcharge ranges and table 3 presents method 2 surcharge ranges. The low estimate in each cell was computed using the surcharge formula above with the value of the slope coefficient at the low end of the 99 percent

confidence interval (1.9); the high end was computed using the value of the slope coefficient at the high end of that interval (2.4).

TABLE 2—METHOD 1 SURCHARGE RANGES FOR EACH REFERENCE BHC (%)

Firm	Method 1 score	$50 Billion reference BHC	$250 Billion reference BHC	Non-GSIB with highest LGD	Reference BHC LGD = 130
JPMorgan Chase	473	9.6, 12.4	5.7, 7.4	4.2, 5.5	2.5, 3.2
Citigroup	409	9.3, 12.1	5.5, 7.1	4.0, 5.1	2.2, 2.8
Bank of America	311	8.8, 11.4	4.9, 6.4	3.4, 4.4	1.7, 2.1
Goldman Sachs	248	8.4, 10.9	4.5, 5.8	3.0, 3.9	1.2, 1.6
Morgan Stanley	224	8.2, 10.6	4.3, 5.6	2.8, 3.6	1.0, 1.3
Wells Fargo	197	8.0, 10.3	4.1, 5.3	2.6, 3.3	0.8, 1.0
Bank of New York Mellon	149	7.4, 9.6	3.6, 4.6	2.0, 2.6	0.3, 0.3
State Street	146	7.4, 9.6	3.5, 4.5	2.0, 2.6	0.2, 0.3
Reference score	.....	3	23	51	130

TABLE 3—METHOD 2 SURCHARGE RANGES FOR EACH REFERENCE BHC (%)

Firm	Method 2 score	$50 Billion reference BHC	$250 Billion reference BHC	Non-GSIB with highest LGD	Reference BHC LGD = 100
JPMorgan Chase	857	6.0, 7.7	5.1, 6.5	4.4, 5.7	4.1, 5.3
Citigroup	714	5.6, 7.3	4.7, 6.1	4.0, 5.2	3.7, 4.8
Goldman Sachs	585	5.2, 6.8	4.3, 5.6	3.7, 4.7	3.4, 4.3
Bank of America	559	5.2, 6.7	4.2, 5.5	3.6, 4.6	3.3, 4.2
Morgan Stanley	545	5.1, 6.6	4.2, 5.4	3.5, 4.6	3.2, 4.2
Wells Fargo	352	4.3, 5.5	3.4, 4.4	2.7, 3.5	2.4, 3.1
State Street	275	3.8, 4.9	2.9, 3.7	2.2, 2.9	1.9, 2.5
Bank of New York Mellon	213	3.3, 4.3	2.4, 3.1	1.7, 2.3	1.4, 1.9
Reference score	.....	37	60	85	100

Surcharge Bands

The analysis above suggests a range of capital surcharges for a given LGD score. To obtain a simple and easy-to-implement surcharge rule, we will assign surcharges to discrete ''bands'' of scores so that the surcharge for a given score falls in the lower end of the range suggested by the results shown in tables 2 and 3. The bands will be chosen so that the surcharges for each band rise in increments of one half of a percentage point. This sizing will ensure that modest changes in a firm's systemic indicators will generally not cause a change in its surcharge, while at the same time maintaining a reasonable level of sensitivity to changes in a firm's systemic footprint. Because small changes in a firm's score will generally not cause a change to the firm's surcharge, using surcharge bands will facilitate capital planning by firms subject to the rule.

We will omit the surcharge band associated with a 0.5 percent surcharge. This tailoring for the least-systemic band of scores above the reference BHC score is rational in light of the fixed costs of imposing a firm-specific capital surcharge; these costs are likely not worth incurring where only a small surcharge would be imposed. (The internationally accepted GSIB surcharge framework similarly lacks a 0.5 percent surcharge band.) Moreover, a minimum surcharge of 1.0 percent for all GSIBs accounts for the inability to know precisely where the cut-off line between a GSIB and a non-GSIB will be at the time when a failure occurs, and the surcharge's purpose of enhancing the resilience of all GSIBs.

We will use 100-point fixed-width bands, with a 1.0 percent surcharge band at 130–229 points, a 1.5 percent surcharge band at 230–329 points, and so on. These surcharge bands fall in the lower end of the range suggested by the results shown in tables 1 and 2.

The analysis above suggests that the surcharge should depend on the logarithm of the LGD score. The logarithmic function could justify bands that are smaller for lower LGD scores and larger for higher LGD scores. For the following reasons, however, fixed-width bands are more appropriate than expanding-width bands.

First, fixed-width surcharge bands facilitate capital planning for less-systemic firms, which would otherwise be subject to a larger number of narrower bands. Such small bands could result in frequent and in some cases unforeseen changes in those firms' surcharges, which could unnecessarily complicate capital planning and is contrary to the objective of ensuring that relatively small changes in a firm's score generally will not alter the firm's surcharge.

Second, fixed-width surcharge bands are appropriate in light of several concerns about the RORWA dataset and the relationship between systemic indicators and systemic footprint that are particularly relevant to the most systemically important financial institutions. Larger surcharge bands for the most systemically important firms would allow these firms to expand their systemic footprint materially within the band without augmenting their capital buffers. That state of affairs would be particularly troubling in light of limitations on the data used in the statistical analysis above.

In particular, while the historical RORWA dataset used to derive the function relating a firm's LGD score to its surcharge contains many observations for relatively small losses, it contains far fewer observations of large losses of the magnitude necessary to cause the failure of a firm that has a very large systemic footprint and is therefore already subject to a surcharge of (for example) 4.0 percent. This paucity of observations means that our estimation of the probability of such losses is substantially more uncertain than is the case with smaller losses. This is reflected in the magnitude of the standard error range associated with our regression analysis, which is large and rapidly expanding for high LGD scores. Given this uncertainty, as well as the Board's Dodd-Frank Act mandate to impose prudential standards that mitigate risks to financial stability, we should impose a higher threshold of certainty on the sufficiency of capital requirements for the most systemically important financial institutions.

Two further shortcomings of the RORWA dataset make the case for rejecting ever-expanding bands even stronger. First, the frequency of extremely large losses would likely have been higher in the absence of extraordinary government actions taken to protect financial stability, especially during the 2007–08 financial crisis. As discussed above, the GSIB surcharge should be set on the assumption that extraordinary interventions will not recur in the future (in order to ensure that they will not be necessary in the future), which means that firms need to hold more capital to absorb losses in the tail of the distribution than the historical data would suggest. Second, the historical data are subject to survivorship bias, in that a given BHC is only included in the sample until it fails (or is acquired). If a firm fails in a given quarter, then its experience in that quarter is not included in the dataset, and any losses realized during

that quarter (including losses realized only upon failure) are therefore left out of the dataset, leading to an underestimate of the probability of such large losses.

Additionally, as discussed above, our assumption of a linear relationship between a firm's LGD score and the risk that its failure would pose to financial stability likely understates the surcharge that would be appropriate for the most systemically important firms. As noted above, there is reason to believe that the damage to the economy increases more rapidly as a firm grows in size, complexity, reliance on short-term wholesale funding, and perhaps other GSIB metrics.

Finally, fixed-width bands are preferable to expanding-width bands because they are simpler and therefore more transparent to regulated entities and to the public.

Alternatives to the Expected Impact Framework

Federal Reserve staff considered various alternatives to the expected impact framework for calibrating a GSIB surcharge. All available methodologies are highly sensitive to a range of assumptions.

Economy-Wide Cost-Benefit Analysis

One alternative to the expected impact framework is to assess all social costs and benefits of capital surcharges for GSIBs and then set each firm's requirement at the point where marginal social costs equal marginal social benefits. The principal social benefit of a GSIB surcharge is a reduction in the likelihood and severity of financial crises and crisis-induced recessions. Assuming that capital is a relatively expensive source of funding, the potential costs of higher GSIB capital requirements come from reduced credit intermediation by GSIBs (though this would be offset to some extent by increased intermediation by smaller banking organizations and other entities), a potential loss of any GSIB scale efficiencies, and a potential shift of credit intermediation to the less-regulated shadow banking sector. The GSIB surcharges that would result from this analysis would be sensitive to assumptions about each of these factors.

One study produced by the Basel Committee on Banking Supervision (with contributions from Federal Reserve staff) finds that net social benefits would be maximized if generally applicable common equity requirements were set to 13 percent of risk-weighted assets, which could imply that a GSIB surcharge of up to 6 percent would be socially beneficial.[79] The surcharges produced by the expected impact framework are generally consistent with that range.

That said, cost-benefit analysis was not chosen as the primary calibration framework for the GSIB surcharge for two reasons. First, it is not directly related to the mandate provided by the Dodd-Frank Act, which instructs the Board to mitigate risks to the financial stability of the United States. Second, using cost-benefit analysis to directly calibrate firm-specific surcharges would require more precision in estimating the factors discussed above in the context of surcharges for individual firms than is now attainable.

Offsetting the Too-Big-To-Fail Subsidy

It is generally agreed that GSIBs enjoyed a ''too-big-to-fail'' funding advantage prior to the crisis and ensuing regulation, and some studies find that such a funding advantage persists. Any such advantage derives from the belief of some creditors that the government might act to prevent a GSIB from defaulting on its debts. This belief leads creditors to assign a lower credit risk to GSIBs than would be appropriate in the absence of this government ''subsidy,'' with the result that GSIBs can borrow at lower rates. This creates an incentive for GSIBs to take on even more leverage and make themselves even more systemic (in order to increase the value of the subsidy), and it gives GSIBs an unfair advantage over less systemic competitors.

In theory, a GSIB surcharge could be calibrated to offset the too-big-to-fail subsidy and thereby cancel out these undesirable effects. The surcharge could do so in two ways. First, as with an insurance policy, the value of a potential government intervention is proportional to the probability that the intervention will actually occur. A larger buffer of capital lowers a GSIB's probability of default and thereby makes potential government intervention less likely. Put differently, a too-big-to-fail subsidy leads creditors to lower the credit risk premium they charge to GSIBs; by lowering credit risk, increased capital levels would lower the value of any discount in the credit risk premium. Second, banking organizations view capital as a relatively costly source of funding. If it is, then a firm with elevated capital requirements also has a concomitantly higher cost of funding than a firm with just the generally applicable capital requirements. And this increased cost of funding could, if calibrated correctly, offset any cost-of-funding advantage derived from the too-big-to-fail subsidy.

A surcharge calibration intended to offset any too-big-to-fail subsidy would be highly sensitive to assumptions about the size of the subsidy and about the respective costs of equity and debt as funding sources at various capital levels. These quantities cannot currently be estimated with sufficient precision to arrive at capital surcharges for individual firms. Thus, the expected impact approach is preferable as a primary framework for setting GSIB surcharges.

By order of the Board of Governors of the Federal Reserve System, July 27, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–18702 Filed 8–13–15; 8:45 am]

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[79] See Basel Committee on Banking Supervision (2010), *An Assessment of the Long-Term Economic Impact of Stronger Capital and Liquidity Requirements* (Basel, Switzerland: Bank for International Settlements, August), p. 29, *www.bis.org/publ/bcbs173.pdf*. The study finds that a capital ratio of 13 percent maximizes net benefits on the assumption that a financial crisis can be expected to have moderate permanent effects on the economy.

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