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Contents

Federal Register

Vol. 80, No. 164

Tuesday, August 25, 2015

Agriculture Department
See Food Safety and Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Development of Nutrition Education Messages and Products for the General Public, 51531–51532

Antitrust Division
NOTICES
Changes under the National Cooperative Research and Production Act:
Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies, 51604
Cooperative Research Group on Clean Diesel VI, 51606
Cooperative Research Group on Consortium for NASGRO Development and Support, 51606–51607
Die Products Consortium, 51605–51606
Heterogeneous System Architecture Foundation, 51605
IMS Global Learning Consortium, Inc., 51605
International Association of Plumbing and Mechanical Officials, 51607
ODVA, Inc., 51605
Pistoia Alliance, Inc., 51606

Centers for Disease Control and Prevention
NOTICES
Charter Renewals:
Advisory Board on Radiation and Worker Health, 51567
Meetings:
Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health, 51566–51567
Board of Scientific Counselors, National Institute for Occupational Safety and Health, 51567
Meeting of the Community Preventive Services Task Force, 51565
Subcommittee for Dose Reconstruction Reviews, Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health, 51566

Centers for Medicare & Medicaid Services
RULES
Payment for Part B Medical and Other Health Services; CFR Correction, 51474
Quality improvement organization review; CFR Correction, 51474
PROPOSED RULES
Medicare Programs:
Comprehensive Care for Joint Replacement Payment Model for Acute Care Hospitals Furnishing Lower Extremity Joint Replacement Services; Corrections, 51504–51506

Coast Guard
RULES
Drawbridge Operations:
Atlantic Intracoastal Waterway, Wrightsville Beach, NC, 51469
Northeast Cape Fear River, Wilmington, NC, 51469–51470
Safety Zones:
Coast Guard Exercise Area, Hood Canal, WA, 51470
NOTICES
Meetings:
Merchant Marine Personnel Advisory Committee, 51576–51577
National Maritime Security Advisory Committee, 51575–51576
Navigation Safety Advisory Council, 51577–51579

Commerce Department
See Economic Analysis Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Privacy Act; Systems of Records, 51533–51534

Defense Department
RULES
Application of Labor Laws to Government Acquisitions; CFR Correction, 51476
Quality Assurance; CFR Correction, 51476
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claims and Appeals, 51564–51565
Meetings:
Independent Review Panel on Military Medical Construction Standards, 51542

Economic Analysis Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51534

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
ED School Climate Surveys Benchmark Study 2016, 51543–51544
Study of Enhanced College Advising in Upward Bound, 51543
Meetings:
Advisory Committee on Student Financial Assistance, 51544–51545

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
RULES
Energy Conservation Program:
Test Procedures for External Power Supplies, 51424–51443
PROPOSED RULES
Appliance Standards and Rulemaking Federal Advisory Committee:
Establishment of Dedicated Purpose Pool Pumps Working Group to Negotiate a Notice of Proposed Rulemaking for Energy Conservation Standards, 51483–51486

Energy Conservation Program for Certain Commercial and Industrial Equipment:
Determination of Natural Draft Commercial Packaged Boilers as Covered Industrial Equipment; Withdrawal, 51487–51488
Energy Conservation Standards for Commercial and Industrial Fans and Blowers:
Provisional Analysis Tools and Notice of Data Availability, 51482
NOTICES
Applications to Export Electric Energy:
Lion Shield Energy, LLC, 51545

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Klamath Falls, OR, Nonattainment Area; Fine Particulate Matter Emissions Inventory and SIP Strengthening Measures, 51470–51473
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Utah; Revisions to the Utah Division of Administrative Rules, R307–300 Series; Area Source Rules for Attainment of Fine Particulate Matter Standards, 51499–51504
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Diesel Emissions Reduction Act Rebate Program, 51562–51563
Endocrine Disruptor Screening Program Test Guidelines:
Three Tier 2 Non-Mammalian Tests, 51558–51560
Meetings:
Considerations for Risk Assessment of Genetically Engineered Algae, 51561–51562
Good Neighbor Environmental Board, 51557–51558
Pesticide Product Registrations:
Applications for New Active Ingredients, 51560–51561
Applications for New Uses, 51556–51557

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Airplanes, 51447–51450
Airbus Helicopters, 51454–51456
Bombardier, Inc. Airplanes, 51459–51463
Cessna Aircraft Company Airplanes, 51443–51447
SOCATA Airplanes, 51456–51459
The Boeing Company Airplanes, 51450–51454
PROPOSED RULES
Airworthiness Directives:
M7 Aerospace LLC Airplanes, 51495–51498
The Boeing Company Airplanes, 51488–51495
Modifications of Restricted Areas:
Area R–7201, Farallon De Medinilla Island, Mariana Islands, GU, 51498–51499

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 51563–51564

Federal Emergency Management Agency
RULES
Suspension of Community Eligibility, 51474–51476

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 51545–51547
Complaints:
Merricourt Power Partners, LLC v. Midcontinent Independent System Operator, Inc., 51547–51548
Environmental Assessments; Availability, etc.:
Freeport LNG Train 4 Project, Freeport LNG Development, L.P., 51548–51550
TP–371 Pipeline Replacement Project; Equitrans, L.P., 51551–51553
Filings:
Louisville Gas and Electric Co., Kentucky Utilities Co., 51546
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Golden Hills Wind, LLC, 51554
HIC Energy, LLC, 51550
Petitions for Declaratory Orders:
Greycliff Wind Prime, LLC, 51553–51554
Requests under Blanket Authorizations:
WBI Energy Transmission, Inc., 51550–51551
Staff Attendances, 51551, 51554–51556

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 51564

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
Critical Habitat for the Marbled Murrelet, 51506–51523
Migratory Bird Hunting:
Frameworks for Late-Season Migratory Bird Hunting, 51658–51682

Food and Drug Administration
NOTICES
Guidance:
Medical Device Epidemiology Network Registry Task Force Report; Availability, Web Site Location, 51567–51568

Food Safety and Inspection Service
NOTICES
Meetings:
Codex Alimentarius Commission; Codex Committee on Food Hygiene, 51532–51533

Foreign-Trade Zones Board
NOTICES
Production Activities:
Neolpharma, Inc., Foreign-Trade Zone 7, Mayaguez, PR, 51535
Outokumpu Stainless USA, LLC, Foreign-Trade Zone 82, Mobile, AL, 51535
Valeo North America, Inc. d/b/a Valeo Compressor North America, Foreign-Trade Zone 39, Dallas, TX, 51534–51535

General Services Administration
RULES
Application of Labor Laws to Government Acquisitions; CFR Correction, 51476
Quality Assurance; CFR Correction, 51476

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claims and Appeals, 51564–51565

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Meetings:
National Vaccine Advisory Committee, 51571–51572

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51570–51571
National Vaccine Injury Compensation Program; List of Petitions Received, 51568–51570

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection
NOTICES
Employment Authorization for Haitian F1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the January 12, 2010 Earthquake, 51579–51580
Meetings:
Homeland Security Information Network Advisory Committee, 51580–51581

Housing and Urban Development Department
RULES
Federal Housing Administration — Standardizing Method of Payment for FHA Insurance Claims, 51466–51469
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
FHA Insured Title I Property Improvement and Manufactured Home Loan Programs, 51588–51589
Insurance Termination Request for Multifamily Mortgage, 51593
Section 3 Summary Report for Economic Opportunities for Low and Very Low Income Persons and Section 3 Complaint Register, 51593–51594
Community Development Block Grant Disaster Recovery Funds under the Disaster Relief Appropriations Act, 2013:
Additional Clarifying Guidance, Waivers, and Alternative Requirements for Grantees, 51589–51593

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Admission to Haskell Indian Nations University and to Southwestern Indian Polytechnic Institute, 51594–51595

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Office of Natural Resources Revenue

International Trade Administration
NOTICES
Amended Final Scope Ruling Pursuant to Court Decision:
Aluminum Extrusions from the People's Republic of China, 51535–51536
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Magnesia Carbon Bricks from the People's Republic of China, 51536–51538

International Trade Commission
NOTICES
Complaints:
Certain Silicon-on-Insulator Wafers, 51603–51604

Judicial Conference of the United States
NOTICES
Hearings:
Judicial Conference Advisory Committees on fhe Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence, 51604

Justice Department
See Antitrust Division

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Marine Terminal Operations and Longshoring Standards, 51607–51608
Voluntary Fiduciary Correction Program, 51608–51609

Management and Budget Office
NOTICES
OMB Sequestration Update Report to the President and Congress for Fiscal Year 2016, 51609

Millennium Challenge Corporation
NOTICES
Candidate Countries for Millennium Challenge Account Eligibility, 51609–51611

National Aeronautics and Space Administration
RULES
Application of Labor Laws to Government Acquisitions; CFR Correction, 51476
Quality Assurance; CFR Correction, 51476
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claims and Appeals, 51564–51565

National Archives and Records Administration
RULES
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 51423–51424
NOTICES
Records Schedules; Availability, 51611–51612

National Highway Traffic Safety Administration
NOTICES
Denial of Motor Vehicle Defect Petition, 51650–51654

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Surveys to Support an Evaluation of the National Human Genome Research Institute Summer Workshop in Genomics (Short Course), 51572–51573
Meetings:
Center for Scientific Review, 51573–51574
National Institute of Dental and Craniofacial Research, 51574–51575
National Institute of Diabetes and Digestive and Kidney Diseases, 51572

National Oceanic and Atmospheric Administration
RULES
International Fisheries:
Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries for 2015, 51476–51478
Western and Central Pacific Fisheries for Highly Migratory Species; Purse Seine Fishing Restrictions during Closure Periods, 51478–51480
PROPOSED RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Shrimp Fishery of the Gulf of Mexico; Amendment 15, 51523–51525
Fisheries of the Western Pacific:
Pacific Island Pelagic Fisheries; Exemption for Large U.S. Longline Vessels to Fish in Portions of the American Samoa Large Vessel Prohibited Area, 51527–51530
Fisheries Off West Coast States:
Modifications of the West Coast Commercial, Recreational, and Treaty Indian Salmon Fisheries; Inseason Actions 16 through 21, 51525–51527
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Expenditure Survey of Atlantic Highly Migratory Species Tournaments and Participants, 51538
Domestic Fisheries; General Provisions:
Application for Exempted Fishing Permits, 51539–51540
Requests for Nominations:
National Marine Sanctuary Advisory Councils; Correction, 51538–51539

National Science Foundation
NOTICES
Meetings; Sunshine Act, 51612

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 51612–51613

Nuclear Regulatory Commission
PROPOSED RULES
Reactor Effluents, 51481–51482
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Domestic Licensing of Source Material, 51613–51614
Standard Review Plans:
Design of Structures, Components, Equipment, and Systems, and Reactor Coolant System and Connected Systems, 51614–51615

Office of Natural Resources Revenue
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Accounts Receivable Confirmations, 51595–51597
Delegated and Cooperative Activities with States and Indian Tribes, 51597–51603

Patent and Trademark Office
NOTICES
Proposed Pilot Programs:
Alternative Approach to Institution Decisions in Post Grant Administrative Reviews, 51540–51542

Securities and Exchange Commission
PROPOSED RULES
Security-Based Swap Dealers or Major Security-Based Swap Participants:
Applications for Statutorily Disqualified Associated Persons to Effect or be Involved in Effecting Security-Based Swaps, 51684–51722
NOTICES
Meetings; Sunshine Act, 51617
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 51642–51644
Miami International Securities Exchange LLC, 51641–51642
Municipal Securities Rulemaking Board, 51645–51646
NASDAQ OMX BX, Inc., 51622–51626
NASDAQ Stock Market LLC, 51615–51617, 51627–51638
National Securities Clearing Corp., 51638–51641
New York Stock Exchange LLC, 51617–51621

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51647–51649

State Department
RULES
Schedule of Fees for Consular Services:
Department of State and Overseas Embassies and Consulates, 51464–51466

Trade Representative, Office of United States
NOTICES
Determination Under the Caribbean Basin Trade Partnership Act, 51650
Generalized System of Preferences
Deadline for Comments on U.S. International Trade Commission Report, 51649–51650

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration
NOTICES
Meetings:
Advisory Council on Transportation Statistics, 51654

Treasury Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 51654–51655

U.S. Citizenship and Immigration Services
NOTICES
Designation of Haiti for Temporary Protected Status; Extension, 51582–51588

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Visa Waiver Program Carrier Agreement, 51579

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on Women Veterans, 51655

Western Area Power Administration
NOTICES
Proposed Extension of Power, Transmission, and Ancillary Services Formula Rates:
Central Valley Project, California-Oregon Transmission Project, Pacific Alternating Current Intertie, and Information on the Path 15 Transmission Upgrade, 51556

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 51658–51682

Part III
Securities and Exchange Commission, 51684–51722

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

2 CFR
2600.....51423

10 CFR
429.....51424
430.....51424

Proposed Rules:
50.....51481
430 (2 documents) 51482, 51483
431.....51487

14 CFR
39 (7 documents) 51443, 51447, 51450, 51454, 51456, 51459, 51461

Proposed Rules:
39 (3 documents) 51488, 51491, 51495
73.....51498

17 CFR

Proposed Rules:
201.....51684

22 CFR
22.....51464

24 CFR
203.....51466
207.....51466
220.....51466
221.....51466
232.....51466
235.....51466
236.....51466
241.....51466

33 CFR
117 (2 documents) 51469
165.....51470

36 CFR
1206.....51423
1207.....51423
1210.....51423

40 CFR
52.....51470

Proposed Rules:
52.....51499

42 CFR
414.....51474
476.....51474

Proposed Rules:
510.....51504

44 CFR
64 (2 documents) 51474, 51476

48 CFR
22.....51476
46.....51476

50 CFR
300 (2 documents) 51476, 51478

Proposed Rules:
17.....51506
20.....51658
622.....51523
660.....51525
665.....51527

Rules and Regulations

Federal Register
Vol. 80, No. 164
Tuesday, August 25, 2015

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

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

2 CFR Part 2600

36 CFR Parts 1206, 1207, and 1210

[FDMS No. NARA–15–0003; NARA–2015–058]

RIN 3095–AB83

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

ACTION: Final rule.

SUMMARY: This final rule implements OMB's guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, published on December 26, 2013. NARA published an interim final rule proposing its implementation of OMB's new requirements on December 19, 2014 (79 FR 75871), along with other Federal awarding agencies. NARA received no comments on the interim final rule and by this action adopts the rule as final.

DATES: This rule is final on September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Contact Kimberly Keravuori, by telephone at 301–837–3151, by email at *regulation_comments@nara.gov*, or by mail at Kimberly Keravuori, Regulations Program Manager; Strategy Division (SP), Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

SUPPLEMENTARY INFORMATION:

Background

On December 26, 2013, the Office of Management and Budget (OMB) streamlined the Federal Government's guidance on Federal awards and published final guidance in the **Federal Register** (78 FR 78590), entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). OMB's final guidance at 2 CFR 200 followed on a Notice of Proposed Guidance issued February 1, 2013, and an Advanced Notice of Proposed Guidance issued February 28, 2012. The final guidance incorporated feedback received from the public in response to those earlier issuances. Additional supporting resources are available from the Council on Financial Assistance Reform at *www.cfo.gov/COFAR.* The final guidance delivered on two presidential directives; Executive Order 13520 on Reducing Improper Payments (74 FR 62201; November 15, 20019), and February 28, 2011 Presidential Memorandum on Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments, (Daily Comp. Pres. Docs.; *http://www.gpo.gov/fdsys/pkg/DCPD-201100123/pdf/DCPD-201100123.pdf*). It reflected more than two years of work by the Council on Financial Assistance Reform to improve the efficiency and effectiveness of Federal financial assistance. For a detailed discussion of the reform and its impacts, please see the **Federal Register** notice for the issuance of the final guidance (78 FR 78589).

As stated in 2 CFR 200.110 of the guidance, Federal agencies must implement the OMB guidance on Federal awards by regulatory action. Implementing the Uniform Guidance will reduce administrative burden and risk of waste, fraud, and abuse for the approximately $600 billion per year awarded in Federal financial assistance. The result will be more Federal dollars reprogrammed to support the mission, new entities able to compete and win awards, and ultimately a stronger framework to provide key services to American citizens and support the basic research that underpins the United Stated economy.

In accord with this requirement, on December 19, 2014, OMB and Federal awarding agencies, including NARA, published a joint interim final rule in the **Federal Register** (79 FR 75871), in which Federal awarding agencies revised their regulations to implement OMB's 2013 Uniform Guidance. The interim final rule became effective on December 26, 2014, and comments were accepted through February 2015.

NARA's portion of the joint interim rule adopted OMB's new guidance by replacing 2 CFR 2600, making minor revisions to 36 CFR 1206 (regulations for the National Historical Publications and Records Commission, NARA's grant-making organization) to reflect adoption of 2 CFR 200, and removing 36 CFR 1207 and 1210 (which were rendered obsolete by the new provisions). Additional NARA grant administration policies in 36 CFR parts 1202, 1206, 1208, 1211, and 1212 remained in effect.

NARA received no comments on these proposed changes.

Regulatory Analysis

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 3506; 5 CFR 1320 Appendix A.1) (PRA), we reviewed the final rule and determined that there are no new collections of information contained therein. However, the OMB uniform guidance in 2 CFR 200 may have a negligible effect on burden estimates for existing information collections, including recordkeeping requirements for non-Federal entities that receive Federal awards.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency that is issuing a final rule to provide a final regulatory flexibility analysis or to certify that the rule will not have a significant economic impact on a substantial number of small entities. The common interim final rule implemented OMB final guidance issued on December 26, 2013, and will not have a significant economic impact beyond the impact of the December 2013 guidance; the same remains true for this final rule.

Executive Order 12866 Determination

Pursuant to Executive Order 12866, OMB's Office of Information and Regulatory Affairs (OIRA) has designated this joint interim final rule to be significant.

Unfunded Mandates Reform Act of 1995 Determination

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) (2 U.S.C. 1532) requires that covered agencies

prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires covered agencies to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OMB determined that the joint interim final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more in any one year. The same remains true for this final rule by NARA. Accordingly, NARA has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Executive Order 13132 Determination

OMB determined that the joint interim final rule did not have any Federalism implications, as required by Executive Order 13132. The same remains true for NARA's final rule.

List of Subjects

2 CFR Part 2600

Accounting, Administrative practice and procedure, Appeal procedures, Auditing, Audit requirements, Colleges and universities, Cost principles, Grant administration, Grant programs, Hospitals, Intergovernmental relations, Nonprofit organizations, Reporting and recordkeeping requirements, Research misconduct, Small business, State and local governments, Tribal governments.

36 CFR Part 1206

Archives and records, Grant programs—education, Reporting and recordkeeping requirements.

36 CFR Part 1207

Accounting, Archives and records, Audit requirements, Grant administration, Grant programs, Reporting and recordkeeping requirements, State and local governments.

36 CFR Part 1210

Accounting, Archives and records, Audit requirements, Colleges and universities, Grant administration, Grant programs, Nonprofit organizations, Reporting and recordkeeping requirements.

Accordingly, under the authority in 44 U.S.C. 2104(a); 44 U.S.C. 2501–2506; and 2 CFR 200, NARA adopts as a final rule without change the interim rule amending 2 CFR 2600, 36 CFR 1206, 1207, and 1210, which was published at 79 FR 75871 on December 19, 2014.

Dated: August 18, 2015.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2015–21077 Filed 8–24–15; 8:45 am]

BILLING CODE 7515–01–P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2014–BT–TP–0043]

RIN 1904–AD36

Energy Conservation Program: Test Procedures for External Power Supplies

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On October 9, 2014, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to amend the test procedure for External Power Supplies (EPSs). That proposed rulemaking serves as the basis for this final rule. The U.S. Department of Energy is issuing a final rule amending its test procedure for external power supplies. These changes, which will not affect the measured energy use, will harmonize the instrumentation resolution and uncertainty requirements with the second edition of the International Electrotechnical Commission (IEC) 62301 standard when measuring standby power along with other international standards programs, and clarify certain testing set-up requirements. This final rule also clarifies which products are subject to energy conservation standards.

DATES: The effective date of this rule is September 24, 2015.

The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register as of September 24, 2015.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx?productid=23.* This Web page will contain a link to the docket for this document on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

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SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority and Background
A. General Test Procedure Rulemaking Process
II. Synopsis of the Final Rule
III. Discussion
A. Measurement Accuracy and Precision
B. Test Set-up
C. EPSs with Current Limits
D. Power Factor
E. Adaptive EPSs
F. EPS Loading Points
G. Energy Conservation Standards
H. Indirect Operation EPSs
I. EPSs for Solid State Lighting
J. Sampling Plan
K. Expanding Regulatory Text
L. Effective Date and Compliance Date of Test Procedure
IV. Procedural Issues and Regulatory Review
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under Section 32 of the Federal Energy Administration Act of 1974

M. Description of Materials Incorporated by Reference
N. Congressional Notification
V. Approval of the Office of the Secretary

I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or, in context, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act of 2015—Public Law 114–11 (April 30, 2015). Part B of title III, which for editorial reasons was re-designated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' External power supplies are among the products affected by these provisions.

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE follows when prescribing or amending test procedures for covered products. EPCA provides in relevant part that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure the energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, when DOE determines that a test procedure requires amending, it publishes a notice with the proposed changes and offers the public an opportunity to comment on the proposal. (42 U.S.C. 6293(b)(2)) As part of this process, DOE determines the extent to which, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

Section 135 of the Energy Policy Act of 2005 (EPACT 2005), Public Law 109–58 (Aug. 8, 2005), amended sections 321 and 325 of EPCA by adding certain provisions related to external power supplies (EPSs). Among these provisions were new definitions defining what constitutes an EPS and a requirement that DOE prescribe ''definitions and test procedures for the power use of battery chargers and external power supplies.'' (42 U.S.C. 6295(u)(1)(A)) DOE complied with this requirement by publishing a test procedure final rule that, among other things, established a new Appendix Z to address the testing of EPSs to measure their energy efficiency and power consumption. See 71 FR 71340 (Dec. 8, 2006) (codified at 10 CFR part 430, subpart B, Appendix Z ''Uniform Test Method for Measuring the Energy Consumption of External Power Supplies'').

Congress further amended EPCA's EPS provisions through its enactment of the Energy Independence and Security Act of 2007 (EISA 2007), Public Law 110–140 (Dec. 19, 2007). That law amended sections 321, 323, and 325 of EPCA. These changes are noted below.

Section 301 of EISA 2007 amended section 321 of EPCA by modifying the EPS-related definitions found in 42 U.S.C. 6291. While EPACT 2005 defined an EPS as ''an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product,'' [1] 42 U.S.C. 6291(36)(A), Section 301 of EISA 2007 further amended this definition by creating a subset of EPSs called Class A External Power Supplies. EISA 2007 defined this subset of products as those EPSs that, in addition to meeting several other requirements common to all EPSs,[2] are ''able to convert [line voltage AC] to only 1 AC or DC output voltage at a time'' and have ''nameplate output power that is less than or equal to 250 watts.'' (42 U.S.C. 6291(36)(C)(i)) As part of these amendments, EISA 2007 prescribed minimum standards for these products and directed DOE to publish a final rule by July 1, 2011, to determine whether to amend these standards. See 42 U.S.C. 6295(u)(3)(A) and (D).

Section 310 of EISA 2007 amended section 325 of EPCA by defining the terms ''active mode,'' ''standby mode,'' and ''off mode.'' Each of these modes corresponds to the operational status of a given product—*i.e.,* whether it is (1) plugged into AC mains and switched ''on'' and performing its intended function, (2) plugged in but not performing its intended function (*i.e.,* simply standing by to be operated), or (3) plugged in, but switched ''off,'' if a manual on-off switch is present. Section 310 also required DOE to amend its test procedure to ensure that standby and off mode energy consumption are measured. It also authorized DOE to amend, by rule, any of the definitions for active, standby, and off mode as long as the DOE considers the most current versions of Standards 62301 (''Household Electrical Appliances—Measurement of Standby Power'') and 62087 (''Methods of Measurement for the Power Consumption of Audio, Video and Related Equipment'') of the International Electrotechnical Commission (IEC). See 42 U.S.C. 6295(gg)(2)(A) (incorporating EISA 2007 amendments related to standby and off mode energy). Consistent with these provisions, DOE issued a final rule that defined and added these terms and definitions to 10 CFR part 430, subpart B, Appendix Z (''Appendix Z''). See 74 FR 13318 (March 27, 2009).

DOE further amended Appendix Z by adding a test method for multiple-voltage EPSs, 76 FR 31750 (June 1, 2011). The amendments also revised the definition of ''active power'' and clarified how to test an EPS that has a current-limiting function, that can communicate with its load, or that combines the current-limiting function with the ability to communicate with a load. A current-limited EPS is one that can significantly lower its output voltage once an internal output current limit has been exceeded, while an EPS that communicates with its load refers to an EPS's ability to identify or otherwise exchange information with its load (*i.e.,* the end-use product to which it is connected). These revisions were

[1] The terms ''AC'' and ''DC'' refer to the polarity (*i.e.,* direction) and amplitude of current and voltage associated with electrical power. For example, a household wall socket supplies alternating current (AC), which varies in amplitude and reverses polarity. In contrast, a battery or solar cell supplies direct current (DC), which is constant in both amplitude and polarity.

[2] The full EISA 2007 definition of a class A external power supply includes a device that ''(I) is designed to convert line voltage AC input into lower voltage AC or DC output; (II) is able to convert to only 1 AC or DC output voltage at a time; (III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load; (IV) is contained in a separate physical enclosure from the end-use product; (V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (VI) has nameplate output power that is less than or equal to 250 watts.'' (42 U.S.C. 6291(36)(C)(i))

necessary to provide manufacturers with sufficient clarity on how to conduct the test and determine the measured energy use for these types of EPSs.

After releasing a preliminary analysis and issuing a proposed set of energy conservation standards, DOE published a final rule prescribing new standards for non-Class A EPSs and amended standards for some Class A EPSs. See 79 FR 7845 (Feb. 20, 2014). EPSs manufactured on or after February 10, 2016 must comply with these standards; for products built outside the U.S., EPSs imported on or after February 10, 2016, must comply with the new standards.[3]

Following the publication of these standards, DOE received many follow-up questions and requests for clarification regarding the testing of EPSs. To address these issues, DOE published a test procedure NOPR on October 9, 2014, which proposed amending the EPS test procedure to ensure sufficient clarity regarding EPS testing and certification. 79 FR 60996. As part of the proposed rule, DOE outlined certain clarifications to Appendix Z to eliminate any testing ambiguity when measuring the efficiency of an EPS. DOE also proposed to include additional, but optional, measurements within Appendix Z concerning EPS power factor and other loading points outside those previously codified in the CFR. Lastly, DOE expressed its intent to consider all EPSs within the scope of the standards under a single sampling plan rather than maintaining separate sampling plans for Class A EPSs and non-Class A EPSs.

Upon stakeholder request, DOE held a public meeting on November 21, 2014, to discuss these proposed changes to the EPS test procedure. Prior to that meeting, DOE extended the initial deadline for submitting comments. See 79 FR 65351 (Nov. 4, 2014). DOE noted this change at the public meeting. DOE analyzed all of the comments received in response to the October 2014 test procedure NOPR from the list of commenters in Table I–1 and incorporated recommendations, where appropriate, into this test procedure final rule.

TABLE I–1—LIST OF COMMENTERS

Organization	Abbreviation	Organization type
Association of Home Appliance Manufacturers	AHAM	Industry Trade Association.
California Investor-Owned Utilities	CA IOUs	Utilities.
Information Technology Industry Council	ITI	Industry Trade Association.
Lutron Electronics	Lutron	Manufacturer.
National Electrical Manufacturers Association	NEMA	Industry Trade Association.
NRDC, ACEEE, ASAP	NRDC, *et al*	Energy Efficiency Advocates.
Power Tool Institute, Inc	PTI	Industry Trade Association.
Schneider Electric	Schneider Electric	Manufacturer.
Telecommunications Industry Association	TIA	Industry Trade Association.
Wahl Clipper Corporation	Wahl Clipper	Manufacturer.

II. Synopsis of the Final Rule

This final rule amends the DOE test procedure for EPSs. The amendments are based on the proposed changes in the test procedure NOPR. While DOE is adopting many of the proposals from the NOPR, some of the proposed amendments have been removed from consideration or modified based on stakeholder feedback. As indicated in greater detail below, these amendments clarify the current procedure in Appendix Z and the definitions set forth in 10 CFR 430.2, as well as update the materials incorporated by reference in 10 CFR 430.3. This rule also amends 10 CFR 430.32(w) by inserting a table to more clearly identify applicable EPS standards based on whether the EPS is (1) a Class A or non-Class A EPS and (2) direct or indirect operation. These minor amendments will eliminate any potential ambiguity contained in the test procedure and clarify the regulatory text to ensure that regulated entities fully understand the long-standing views and interpretations of DOE with respect to the application and implementation of the test procedure and the scope of the EPS standards. These amendments will not affect the measured energy use of these products. Instead, they will clarify the manner in which to test for compliance with the EPS energy conservation standards.

First, this final rule harmonizes DOE's test procedure with the latest version of IEC 62301 by providing specific resolution and measurement tolerances. These specifications will help to ensure that testing is performed with equipment that is capable of reaching these tolerances and that the resulting measurements are consistent.

Second, DOE is outlining the testing configurations that can be used to avoid potential losses caused by testing cables. Appendix Z currently does not clearly outline how multiple measurement devices that operate simultaneously should be connected to a unit under test (UUT). These changes remove the potential for electrical energy losses in the measurement cables and help ensure accurate and repeatable results.

Third, DOE is clarifying that when testing an EPS that is incapable of being tested at one or more of the loading conditions used to calculate the average active mode efficiency, such conditions will be omitted when calculating this metric. Instead, the average active mode efficiency will be determined by averaging the efficiency results at each of the loading conditions that can be measured.

Fourth, this final rule defines and clarifies how to test adaptive EPSs (also referred to as ''adaptive-charging,'' ''smart-charging,'' or ''quick-charging'' EPSs). Because these types of EPSs were not considered when the current test procedure was first adopted, Appendix Z did not explicitly address the unique characteristics of these types of EPSs to ensure reproducible and repeatable results. This final rule makes certain clarifications to address these products by providing a standardized method for all manufacturers and testing laboratories to follow when testing an adaptive EPS.

Fifth, DOE is including a table within 10 CFR 430.32 (''Energy and water conservation standards and their compliance dates'') that clearly outlines which sets of standards apply to which EPS classes. The inclusion of the table is again meant to provide clarity to manufacturers who are trying to determine the applicable standards.

[3] Generally, a covered product must comply with the relevant standard in effect as of the date the product is manufactured. For products imported into the U.S., this is the date of importation. See 42 U.S.C. 6291(10) (''The term 'manufacture' means to manufacture, produce, assemble or import.'')

Sixth, DOE is adopting the same sampling plan that is already in place for Class A EPSs for those EPSs that will be subject to standards for the first time in 2016. These revisions consolidate all EPSs that are subject to standards under a single sampling plan and provide manufacturers with the necessary procedures they will need to follow when certifying their EPSs as compliant with the applicable standards. Previously, DOE only provided a sampling plan for Class A EPSs and reserved a second sampling plan for non-Class A EPSs. By adopting a single sampling plan that applies to all EPSs in this final rule, DOE is creating a single, statistically sufficient approach for ensuring that a given EPS basic model complies with the applicable standards.

Finally, this rule incorporates text from the California Energy Commission's (CEC) ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC-DC and AC-AC Power Supplies'' into Appendix Z. This document is already incorporated by reference in the current language of Appendix Z. DOE believes that by adopting the referenced text directly, it will help to reduce the testing burden on manufacturers and clarify the intended test methods within a single document.

A summary of these amendments to specific sections of 10 CFR part 430 can be found in Table II–1.

TABLE II–1—SUMMARY OF PROPOSED CHANGES AND AFFECTED SECTIONS OF 10 CFR PART 430

Subpart A of Part 430—General Provisions		
Section in 10 CFR Part 430 Subpart A	NOPR Proposal	Final Rule Action
§ 430.2. Definitions	• Revising definition of ''indirect operation external power supply'' to include battery chargers contained in separate physical enclosureswithin Appendix Z.	• Did not finalize proposal.
	• Proposed to define ''adaptive external power supply''.	• Finalized definition with clarification within 430.2.
Appendix Z to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of External Power Supplies		
Section in Appendix Z	NOPR Proposal	Final Rule Action
1. Scope	• No Change	• Clarified that scope of the test procedure extends only to EPSs subject to conservation standards.
2. Definitions	• Inserting definition for ''average active mode efficiency''.	• Finalized as proposed.
3. Test Apparatus and General Instructions.	• Insert exceptions to the test method of 3(a) within subsections 3(a)(i) and 3(a)(ii).	• Finalized within adopted text from the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies''.
	• Incorporate by reference the uncertainty and resolution requirements of the IEC 62301 (2nd Ed.) standard in 3(a)(i)(A).	• Finalized within adopted text from the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies'' and finalized identical requirements within 3(b)(i)(A).
4. Test Measurement	• Modify 4(a)(i) to include a table of the required loading conditions and an additional optional loading point at a 10 percent loading condition.	• Did not finalize proposal.
	• Insert an optional power factor measurement at each loading condition in 4(a)(i).	• Did not finalize proposal.
	• Clarify the necessary connections when using multiple measurement devices (4(a)(i)).	• Finalized as proposed.
	• Clarify how to test when one or more loading conditions cannot be sustained (4(a)(i)(B)).	• Finalized within adopted text from the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies''.
	• Modify 4(a)(ii) to refer to the appropriate loading conditions in Table 1.	• Did not finalize as proposed.
	• Modify several sections of 4(b)(i) to refer to an updated Table 2.	• Did not finalize as proposed.
	• Revising 4(b)(i)(A)(5) to refer to a new Table 2, which contains a list of prescribed loading conditions to use, including a new 10 percent loading condition.	• Did not finalize proposal.
	• Modify 4(b)(ii) to refer to the updated loading conditions in new Table 2.	• Did not finalize proposal.

III. Discussion

A. Measurement Accuracy and Precision

To ease the overall burden involved with the testing of EPSs, and to continue to improve DOE's efforts at harmonizing its testing requirements where feasible to do so, DOE proposed to incorporate by reference into the EPS test procedure the second edition of IEC 62301. The IEC published Edition 2.0 of IEC 62301 in January 2011, shortly before DOE's previous revision to the EPS test procedure. 76 FR 31750. This revised version of the testing standard refined the test equipment specifications, measuring techniques, and uncertainty determination to improve the method for measuring loads with high crest factors and/or low power factors, such as the low power modes typical of EPSs operating in no-load mode. Incorporating this edition into the EPS test procedure would encompass the resolution parameters for power measurements and uncertainty methodologies found in Section 4 (General conditions for measurements) as well as the associated references to Annexes B (Notes on the measurement of low power modes) and D (Determination of uncertainty of measurement) within that section of the second edition of the IEC 62301 standard. While harmonizing with the latest IEC standard is a statutory requirement, DOE nonetheless requested stakeholder feedback regarding the proposed revisions.

TIA, the CA IOUs, NRDC, and Schneider Electric were all supportive of DOE's proposal to harmonize with the latest resolution and uncertainty requirements in the second edition of IEC 62301. (TIA, No.17 at p.2; [4] CA IOUs, No.16 at p.2; NRDC, *et al.*, No.18 at p.2; Schneider, No.13 at p.2) AHAM was also supportive of DOE's proposal but asserted that since harmonization is already required under the statute there is no need to amend the language in the test procedure. (AHAM, No.11 at p.2) ITI expressed similar thoughts, supporting DOE's harmonization efforts but suggesting that DOE should either allow for timely test procedure updates to amend the language for each successive revision of IEC standard or include language in the regulatory text referring to the ''most recent version'' of the standard. (ITI, No.10 at p.2) PTI had no complaints concerning DOE's proposal but noted that the scope of IEC 62301 standard is limited to standby and low-power modes and that DOE should consider how these requirements apply to other tests. (PTI. No.15 at p.2)

With the unanimous support of stakeholders and the statutory mandate to harmonize with the latest IEC standard, DOE is amending the EPS test procedure, codified in Appendix Z of Subpart B to 10 CFR 430, in this final rule to incorporate by reference the second edition of IEC 62301. DOE is specifically referencing the second edition of this standard and is not adopting the proposed approach of referencing the most recent version. DOE lacks authority to adopt a ''generic'' provision for incorporation by reference. Any standard must be specifically 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; furthermore, in order to request approval, the agency must summarize the pertinent parts of the standard in the preamble of both the proposed and final rules. (1 CFR 51.5). Accordingly, references to IEC 62301 are limited to the second edition and its relevant annexes. As part of these amendments, DOE will also amend section 430.3 ''Materials incorporated by reference'' to add Appendix Z to the list of test procedures that reference the second edition of IEC 62301.

B. Test Set-up

In the NOPR, DOE attempted to clarify certain sections within the DOE test procedure to ensure the test procedure provides accurate, repeatable and reproducible test results. DOE had previously proposed, and ultimately finalized, requirements in 2006 that incorporated by reference certain sections of a test procedure adopted by the California Energy Commission (CEC) into Appendix Z. See generally, 71 FR 71339 (Dec. 8, 2006) (final rule incorporating elements of the CEC test procedure for EPSs). That procedure—''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC-AC Power Supplies (August 11, 2004)''—contained a number of provisions, including one (''Measurement Approach'') that outlined how UUTs should be conditioned and connected to metering equipment to properly perform the test regardless of the type of load. While this provision generally describes the testing set-up to follow, it also contains gaps that could lead to inconsistent results when testing an EPS.

DOE specifically noted that the CEC procedure offers no clear instructions regarding how to avoid introducing additional efficiency losses when connecting additional metering equipment, such as voltmeters and ammeters. Using data it collected from investigative testing concerning multiple interpretations of the test procedure text, DOE found that technicians could measure a lower voltage on the output of the UUT when using a voltmeter and ammeter to determine the power consumption if the voltmeter is connected farther down the circuit path than the series ammeter connection. Such inconsistencies would not occur if the voltmeter were instead physically and electrically connected directly to the output of the UUT. In theory, the ammeter acts as a dead short (*i.e.,* a short circuit having zero resistance) and does not introduce electrical resistance during the measurement. In practice, the testing leads can introduce resistive losses that vary based on, among other factors, the wire gauge of the leads, the length of the leads, and the frequency of the signal being measured. At higher current loads, these losses become even more pronounced and can lead to significant resistive losses within the signal path despite the low impedance nature of ammeters. To clarify the testing configuration, DOE proposed to amend section 4(a)(i) of Appendix Z to require that any equipment necessary to measure the active mode efficiency of a UUT at a specific loading condition must be directly connected to the output cable of the unit. DOE believed that this step would remove any unintended losses in the test measurement introduced by the metering equipment because both meters would be measuring directly from the output connector of the EPS rather than at different points in the signal path. DOE sought comment from stakeholders on whether these additional clarifications regarding the testing set-up when using voltmeters and ammeters would sufficiently clarify the test method and ensure testing accuracy.

The CA IOUs and NRDC both agreed with DOE's proposal to clarify the language in the CEC test procedure within its own EPS procedure to accurately capture real world losses without introducing any additional losses from the test equipment. (CA IOUs, No.16 at p.2; NRDC, et al., No.18 at p.2) AHAM was also supportive of the revised text and encouraged DOE to add a connection diagram for the additional equipment within the rule text to further assist technicians who

[4] A notation in this form provides a reference for information that is in the docket for this rulemaking (Docket No. EERE–2014–BT–TP–0043), which is maintained at *www.regulations.gov.* This notation indicates that the statement preceding the reference is from document number 17 in the docket and appears at page 2 of that document.

have to refer to multiple documents when following the test procedure. (AHAM, No.11 at p.3) ITI suggested that DOE require a Kelvin connection (*i.e.,* a connection used to reduce the impact of parasitic resistances) be made between the voltmeter and the output port of the UUT. In ITI's view, separating the current and voltage contacts from each other would eliminate any contact resistance or contact impedance from affecting the overall measurement. (ITI, No.10 at p.3) Such connections are typically used in four-wire sensing applications where low voltages or currents are present such that the connection leads can have a significant impact on the final measurement. Wahl suggested that, rather than stating that the equipment should be directly connected to the output, DOE should revise the language to specify that measurements be taken directly at the physical enclosure of the UUT because it is more specific and usable for any EPS. (Wahl, No.5 at p.19) PTI, however, claimed that no changes are required to the test procedure, as any measurements should be presumed correct and taken by competent practitioners. (PTI, No.15 at p.2)

In DOE's view, the adoption of the proposed revisions will enhance the usability and repeatability of the current test procedure. Based on the stakeholder comments noted above, in addition to adopting the language proposed in the NOPR to make these connections at the output cable of the EPS, DOE has included a configuration diagram for connecting additional metering equipment between the electronic or resistive load and the output of the UTT. Adding this diagram, in addition to being consistent with DOE's proposal, will help maximize the level of clarity for tests when conducting the test procedure, thereby minimizing the risk of obtaining significantly different results regarding the energy usage of a tested EPS. Figure III.1 which will be included as part of the regulatory text, illustrates an example on how to connect the test equipment to the UUT.

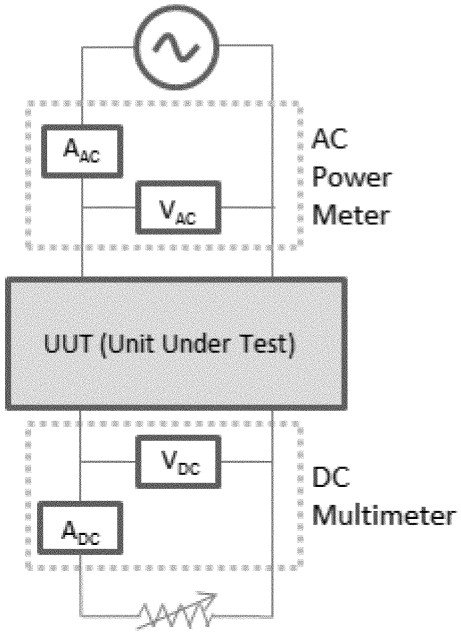

Figure III.1 Example Connection Diagram for EPS Efficiency Measurements

This diagram only illustrates one possible connection assuming a single-voltage EPS, but DOE believes it will also help to provide further aid to technicians in addition to the new test procedure language. These two descriptions, in combination, will help avoid errors caused by differing interpretations of the test procedure language. As stakeholders correctly noted, ensuring a correct connection will reduce any additional losses in the circuit path by eliminating the influence of the testing leads and their contact resistance. Measuring the efficiency of a UUT at any other point would significantly depart from the test methodology currently in place. If DOE were to adopt the measurement method proposed by Wahl, it would allow manufacturers to ignore the DC output cord losses associated with their products. Such an allowance would ease the design burden on manufacturers and result in more products on the EPS market that are less efficient than the recently amended efficiency standards intended. Accordingly, DOE is not adopting Wahl's suggestion and is not requiring a certain type of setup (such as a Kelvin connection), as suggested by ITI. Instead, DOE has adopted its proposed approach and is clarifying the regulatory text by specifying that additional metering equipment should be physically and electrically connected at the end of the output cable of the UUT.

C. EPSs With Current Limits

The EPS test procedure produces five output values that are used to determine whether a tested EPS complies with Federal standards. These output values (or metrics) are outlined in sections 4(a)(i) and 5(b)(i)(A)(5) of Appendix Z and include active mode efficiency measurements at 25 percent, 50 percent, 75 percent, and 100 percent load as well as the total power consumption of an EPS at 0 percent load. The measured efficiency levels at the loading points (*i.e.,* 25 percent through 100 percent) are averaged to determine the overall EPS conversion efficiency and measured against the Federal standard using an equation that outputs the minimum required efficiency based on the

nameplate output power of the EPS under consideration. However, some EPSs, like those used for radios and light-emitting diode (LED) applications, are designed to drive the output voltage to zero under specific loading conditions either to protect the EPS from damage, or overstress, or because the end-use application was never designed to operate in those states. Thus, it is not possible to measure the efficiency at these specific loading conditions. (This type of feature or technology is commonly referred to as ''output current-limiting'' or ''current-limiting'' because of the device's actions to limit the output current to the connected device that the EPS serves.) Prior to the publication of the June 2011 test procedure final rule, DOE solicited comments from interested parties on how to test EPSs that utilize output current-limiting techniques at 100 percent load using the test procedure in Appendix Z. 75 FR 16958, 16973 (April 2, 2010). Based on the comments received, and to ensure that these types of EPSs could be tested for compliance with the federal standards, DOE amended section 4(a)(i) to allow manufacturers with products that utilize output current-limiting at 100 percent load to test affected individual units using active-mode efficiencies measured at 25 percent, 50 percent, and 75 percent loads. 76 FR 31750, 31771 and 31782 (June 1, 2011).

However, as noted in the NOPR, DOE has become aware of other EPS designs which use hiccup protection at loading conditions under 100 percent as a form of fault protection and reset. These EPSs will drive the output voltage down to zero to eliminate any power delivery when the end-use product demands less than a certain percentage of the nameplate output current. Once the output has been reduced to zero, the EPS will periodically check the output load conditions by momentarily reestablishing the nameplate output voltage and monitoring the resulting current draw. If the minimum output current is not reached during these periods, the output voltage is driven to zero again and the EPS output power drops to zero. Similar to EPSs that utilize output current-limiting at maximum load, these EPSs cannot be tested properly under the current DOE test procedure when testing at loading conditions where the hiccup protection is implemented.

To quantify the active mode efficiency of these EPSs, DOE proposed to amend section 4(a)(i)(C) of Appendix Z (which includes a procedure to test those EPSs that list both an instantaneous and continuous output current) to require that in cases where an EPS cannot sustain output at one or more of the four loading conditions, these loading conditions should not be measured. Instead, for these EPSs, the average efficiency would be the average of the loading conditions for which it can sustain output. In addition to this provision, DOE proposed to define the ''average active mode efficiency'' of an EPS as the average of the active mode efficiencies recorded when an EPS is loaded at 100 percent, 75 percent, 50 percent, and 25 percent of its nameplate output current. DOE believed that defining average active mode efficiency would assist manufacturers in preparing certification reports and provide additional clarity as to which metrics are considered for compliance with the federal standards. DOE sought comment on the benefits or burdens of representing the average active mode efficiency of these devices as the average of the efficiencies at the loading conditions that can be tested and on the proposed definition for average active mode efficiency.

ITI and Schneider Electric both favored letting manufacturers of EPSs with hiccup protection test their products using only the loading conditions that can be tested. (ITI, No.10 at p.3; Schneider Electric, No.13 at p.3) However, PTI and AHAM disagreed with DOE's proposal over concerns that manufacturers would be punished for innovation and designing for overall energy savings. AHAM stated that current-limiting technologies are a well-developed feature of EPS design and could possibly deliver less power more efficiently at the loading conditions by entering states similar to hiccup protection. (AHAM, No.11 at p.3) PTI agreed with AHAM, stating that manufacturers should not be punished for finding methods of lowering power consumption and that DOE should take the issue under further study to fully understand the impact of the proposed changes (PTI, No.15 at p.2).

The EPS test procedure was developed to apply to any EPS that is subject to Federal energy conservation standards. EPSs are regulated based on the power conversion efficiency at multiple loading points and the no-load power consumption. While DOE recognizes that EPS active mode efficiency is optimized based on the loading conditions expected by the end-use product, DOE's method of measuring efficiency across the entire loading spectrum ensures that the EPS efficiency is quantifiable and repeatable for all EPSs subject to the federal efficiency standards regardless of usage profiles. The fact that an EPS uses current-limiting techniques at specific loading conditions means that the EPS cannot support such loading conditions and will instead revert to a lower power state when such load demands are required. This means that the state of operation when the current-limiting process is initiated is not representative of the EPS's ability to deliver the required loading point current to the end-use product. Accordingly, DOE believes that any efficiency measurements taken under these circumstances would not represent the actual conversion efficiency at the loading condition where current-limiting occurs and should therefore not be included in the average active mode efficiency. Additionally, DOE is aware of current-limiting techniques utilized in EPSs at only very high loads or lower loads relative to the EPS's nameplate output power. While EPS efficiency tends to decrease at these loading conditions, the conversion efficiency is typically the poorest at very low loads. When EPSs enter current-limiting, low power states, they deliver a much lower power to the end-use product and the conversion efficiency suffers. Therefore, excluding these measurements from the average active-mode efficiency metric would not impair innovation or other energy efficiency efforts because average active-mode efficiency would only include the efficiency at the loading conditions that can be sustained, and not include loading conditions that are represented by lower power, but decreased conversion efficiency. DOE also believes, contrary to AHAM and PTI's comments, that this will result in an advantage to manufacturers by requiring them to calculate average active-mode efficiency using only the higher efficiency measurements taken at the loading conditions that the EPS can sustain. As a result, DOE is codifying in this final rule its definition for average active mode efficiency as the average of the loading conditions (100 percent, 75 percent, 50 percent, and 25 percent of its nameplate output current) for which the EPS can sustain the output current.

D. Power Factor

As discussed in the NOPR, power factor is a relative measure of transmission losses between the power plant and an item plugged into AC mains (*i.e.,* a wall outlet). The power factor of a given device is represented as a ratio of the active power delivered to the device relative to the combination of this reactive power and active power. An ideal load will have a power factor of 1, where all the power generated is delivered to the load as active power. For a given nameplate output power and

efficiency, products with a lower power factor cause greater power dissipation in the transmission wiring, an effect that also becomes more pronounced at higher input powers.

DOE stated that power factor is a critical component in establishing the overall efficiency profile of EPSs. Most of the efficient power supplies available on the market today use switched-mode topologies (*i.e.,* power transfer circuits that use switching elements and electromagnetic fields to transmit power) that draw current in short spikes from the power grid. These current spikes can cause the voltage and current input waveforms of the EPS to be significantly out of phase, resulting in a low power factor and putting more stress on the power grid to deliver real power. While switched-mode power supplies have served to dramatically improve the achievable efficiencies of EPSs, the fact that power factor had gone unexamined during their widespread adoption brought overall system efficiency into consideration. To help ascertain the power factor inputs, DOE proposed to collect power factor measurements at each loading condition through an optional provision within the test procedure but not to require its measurement or submission as part of a certification report. In DOE's view, this proposed change would increase testing flexibility while minimizing additional testing burden, as most modern power analyzers are capable of measuring true power factor. DOE sought comment on the inclusion of power factor measurements within the test procedure and the repeatability of such measurements.

The CA IOUs and NRDC urged that power factor be measured at each loading condition because the power factor affects the overall system efficiency. Both also urged DOE to make power factor measurements mandatory for EPSs with a nameplate output power exceeding 50 watts. (CA IOUs, No.16 at p.3; NRDC, et al., No.18 at p.4) NRDC agreed with DOE's initial assessment that the additional burden placed on manufacturers would be minimal as most modern day power meters are capable of measuring true power factor and collecting such data would allow for a complete analysis of the impact of EPS power factor on energy consumption. (NRDC, et al., No.18 at p.4) Several stakeholders, however, disagreed with DOE's proposal to include optional power factor measurements at each loading condition.

ITI and Schneider Electric both stated that they do not support measuring power factor below loads of 75 watts. (ITI, No.10 at p.3; Schneider, No.13 at p.3) ITI and Schneider questioned the value of measuring this value. They also noted that global criteria were available to measure power factor at ratings of 75 watts and higher. AHAM also suggested that DOE refrain from including power factor measurements and to instead focus on product efficiency, noting that without defined test parameters such as source impedance there cannot be meaningful and repeatable power factor measurements. (AHAM, No.11 at p.3) TIA expressed similar concerns, stating that expanding the rule beyond product efficiency to power distribution will only serve to increase stakeholder confusion when the emphasis of the test procedure should be focused on product efficiencies. (TIA, No.17 at p.3) PTI argued that power factor is outside the scope of the rulemaking to provide meaningful measures of energy efficiency. (PTI, No.15 at p.3)

After carefully considering these comments, DOE has decided, at this time, not to adopt a voluntary provision to record power factor. As noted by several commenters and by DOE itself, see 79 FR at 61001, the efficiency impacts attributable to lower power factors are more pronounced in cases involving higher input powers. The availability of criteria for measuring power factors starting at 75 watts suggests that this power level may be an appropriate minimum power level at which to consider the impacts from power factor. However, DOE currently lacks sufficient data to make a fully informed decision on whether power factor measurements should be limited in this manner. Additionally, even though DOE presented its power factor proposal as a voluntary option, the benefits of the proposal are, at this time, unclear. In light of this situation, along with the significant questions raised by commenters, DOE is declining to adopt this aspect of its proposal. DOE may, however, continue to evaluate the merits of regulating power factor in future energy conservation efforts.

E. Adaptive EPSs

In the test procedure NOPR, DOE described a new EPS technology that enables EPSs that connect to their end-use products via a universal serial bus (USB) to provide higher charging currents than specified in the USB standard by increasing the output voltage of the EPS in cases where the end-use product battery is severely depleted. This technology has the advantage of speeding the charging process and cutting the overall time needed to charge a product's battery. DOE noted that this faster charging was activated through communication lines between the charger and the charge control chip embedded in the end-use device. However, DOE stated that only certain products paired with the necessary chargers are able to communicate and have the EPS provide a higher charging current. The same chargers would not be able to reach the same charging current when paired with a device not capable of this communication.

DOE proposed to refer to these types of EPSs as ''adaptive EPSs'' and to define them as single-voltage EPSs that can alter their output voltage during active mode based on an established communication protocol with the end-use application without any user-generated action. DOE believed that, due to the fluctuation in the output voltage of adaptive EPSs depending on the state of the end-use product, manufacturers might list multiple output voltages, multiple output currents, and/or multiple output powers to categorize all the potential states of the EPS, making the correct testing conditions difficult to discern within the existing DOE test procedure. To remove this potential ambiguity, DOE proposed that adaptive EPSs would be tested at both the highest and lowest achievable output voltages for loading conditions where output current is greater than 0% of the rated nameplate output current. For the 0% loading condition, or the no-load measurement condition, DOE proposed to add clarifying language stating that the EPS under test must be placed in no-load mode and any additional signal connections to the unit be disconnected prior to measuring input power. DOE believed that if the load was not disconnected from the EPS entirely, but instead, the current demand was decreased to zero electronically with the load still physically connected, that the output voltage may remain artificially high and impact the results of the no-load power measurement. The higher output voltage would not be representative of the voltage this EPS would operate under in no-load mode, because an adaptive EPS would only output a higher voltage when requested via the adaptive communication protocol. While this methodology was consistent with DOE's approach to testing switch-selectable EPSs, DOE sought input from stakeholders on its proposal and any additional proposals that may increase the accuracy of the test method.

Several stakeholders commented on DOE's proposed definition of an adaptive EPS. Both the CA IOUs and ITI supported DOE's proposed definition of

an adaptive EPS. (CA IOUs, No.16 at p.2; ITI, No. 10 at p.4) However, Schneider Electric, AHAM, and PTI all stated that DOE's definition of an adaptive EPS was too broad and vague. (Schneider, No.13 at p.4; AHAM, No.11 at p.3, PTI, No.15 at p.2) Schneider claimed that it could not accurately identify any products that would qualify as adaptive EPSs based on DOE's proposed definition. (Schneider, No. 13 at p.4) Similarly, PTI urged DOE to refine the definition of adaptive EPSs to specify that the communication protocol is digital so as to avoid manufacturers classifying their products as adaptive EPSs due to regular and expected output voltage fluctuations. (PTI, No.15 at p.2)

DOE is not aware of any existing adaptive EPS technology that relies on analog communication. Nonetheless, some stakeholders have urged DOE to provide further guidance as to what can be considered an adaptive EPS. To this end, DOE is clarifying its adaptive EPS definition by incorporating PTI's suggestion that the communication protocol used by adaptive EPSs is digital. Consequently, an adaptive EPS is an EPS that can alter its output voltage during active-mode based on an established digital communication protocol with the end-use application without any user-generated action. By specifying the use of digital communication, DOE seeks to remove any classification ambiguity related to the line and load fluctuations that are common with any power supply and help clarify the intended definition proposed in the NOPR.

DOE also received feedback from stakeholders on its proposed approach to testing adaptive EPSs. While recognizing the limitations of the proposed approach, NRDC and the CA IOUs nevertheless supported DOE's proposed approach to test adaptive EPSs at the highest and lowest achievable output voltages. (NRDC, et al., No. 18 at p.6, CA IOUs, No. 16 at p.2) However, the CA IOUs stated that DOE should test adaptive EPSs with and without the communication enabled at both the highest and lowest output voltage to establish the most accurate no-load power consumption metric. (CA IOUs, No.16 at p.2–3) AHAM, however, stated that EPSs should be tested at the nameplate rating regardless of whether they are adaptive EPSs and that the product classification should be decided by the manufacturer. AHAM also stated it was unclear whether the current procedure could not be performed on adaptive EPSs—and if it could, in its view, there would be no reason to make a change for these EPSs. (AHAM, No.11 at p.3)

Other stakeholders provided DOE with additional information concerning the likely nameplate markings of adaptive EPSs. Both Schneider Electric and ITI commented that adaptive EPSs should align with the IEC 60950 standard for safety of information technology equipment, which requires every output voltage to be listed along with the associated output current. (Schneider, No.13 at p.4; ITI, No.10 at p.4).

DOE believes that any test procedure should be flexible enough to apply to several different design variations of one consumer product. Adaptive EPSs are unique among EPSs because of their ability to operate at one power level when communicating with certain consumer products but an inability to reach a similar operating point when used with other consumer products that lack the communication. The EPS test procedure should be able to capture the efficiencies at the various output conditions in which it will operate, which includes these two scenarios. DOE continues to believe that this could be performed by conducting the test twice at each loading condition—once at the highest achievable output voltage that is utilized while communicating with a load and once at the lowest achievable output voltage utilized during load communication. Due to the nature of EPS design, the points in between the highest and lowest output voltage will be no less efficient than either extreme.[5] Additionally, DOE has been informed through conversations with manufacturers and through public comment submissions that manufacturers will list all the achievable output voltage and achievable output current combinations of adaptive EPSs on the nameplate in accordance with the IEC 60950[6] industry standard, making DOE's proposal practical to implement since the nameplate rating extremes will be used to determine the loading points for testing. Since manufacturers already include each output voltage on the nameplate, the highest and lowest achievable voltages will be included for adaptive EPSs and therefore technicians should be able to determine the appropriate test conditions.

The average active-mode efficiency will still be based on the average of the four loading conditions used to measure single-voltage efficiency. However, manufacturers of adaptive EPSs will generate two average active-mode efficiency metrics for each EPS—one based on the average of the efficiencies recorded at the lowest voltage achieved during the charging cycle and one based on the average of the efficiencies recorded at the highest voltage achieved during the charging cycle. This methodology will also allow DOE to maintain consistency with its testing approach for switch-selectable EPSs. Unlike switch-selectable EPSs, DOE will only require manufacturers of adaptive EPSs to certify their products with one no-load power measurement, as such EPSs operate at only one output voltage when in a no-load state.

With respect to no-load mode, switch-selectable EPSs, by definition, can maintain several different output voltages when the end-use product is disconnected from the EPS. The exact output voltage is determined by the position of the switch on the EPS enclosure. The fact that the output voltage can change via a user-generated action means that the no-load power consumption at each output voltage can vary despite the fact that the power drawn from the mains is consumed by the EPS in the no-load state. For this reason, DOE requires manufacturers of switch-selectable EPSs to certify the no-load metric at the highest and lowest nameplate output voltage for these products.

Adaptive EPSs, however, can only maintain higher voltages while communicating with the end-use product via a physical USB connection. During the no-load measurement, the EPS will be disconnected from any load and will, as a result, not be communicating with the end-use product. Placing the EPS into no-load mode will therefore yield a static output voltage such that one measurement will be sufficient to represent the actual power consumption of the EPS when disconnected from the load. DOE will amend section 429.37 to state that manufacturers will be required to submit average active-mode efficiencies at both the highest and lowest nameplate output voltage as well as a single no-load power measurement for adaptive EPSs.

Stakeholders and interested parties also contributed a number of comments related to applicable standards for adaptive EPSs. NRDC and the CA IOUs both stated that adaptive EPSs should meet the applicable standards at both voltage conditions tested under DOE's test methodology. (NRDC, et al., No. 18 at p.6, CA IOUs, No.16 at p.3) However,

[5] At higher output voltages, EPSs typically have greater efficiency due to a lower loss ratio of the fixed voltage drops in the conversion circuitry to the nominal output voltage. These losses do not increase linearly with output voltage, so higher output voltages typically provide greater conversion efficiency.

[6] IEC 60950 Ed. 2.2, *Safety of information technology equipment,* December 2005.

ITI stated that DOE needed to elaborate on the appropriate standard level equations that should be used to certify adaptive EPSs because the proposed language indicated that only basic voltage equations would apply, which may not always be the case for adaptive EPSs because of their fluctuating output voltage and current combinations. (ITI, No.10 at p.5) Additionally, ITI commented that adaptive EPSs should not be subject to any federal efficiency standards to avoid stifling innovation. Instead, ITI recommended that DOE only focus on data collection for adaptive EPSs. (ITI, No. 10 at p.4)

The ability of an adaptive EPS to alter its output voltage based on digital communication with an end-use product does not prevent an adaptive EPS from meeting the statutory definition of a Class A EPS as set by Congress in EISA 2007. Among other factors, a Class A EPS is able to convert to only 1 AC or DC output voltage at a time. Based on DOE's understanding of adaptive EPSs, while such EPSs can alter their output voltage, and/or current based on communications received from the end-use product, they still can only output one voltage at any given time. As such, DOE expects many adaptive EPSs to fall within the definition of a Class A EPS, and would therefore, be subject to the currently applicable standards for Class A EPSs. Manufacturers of Class A adaptive EPSs should be compliant and certify compliance with the Class A EPS standards by testing them according to the DOE test procedure. Similarly, these EPSs will be subject to the standards with which compliance in required in February 2016.

F. EPS Loading Points

DOE currently requires that efficiency measurements be recorded by manufacturers at 0 percent, 25 percent, 50 percent, 75 percent, and 100 percent of the nameplate output current load. See 10 CFR 430, Subpart B, Appendix Z. The last four metrics are ultimately averaged to determine the overall active mode efficiency of an EPS. While these measurements span the majority of an EPS's loading profile, consumer loads are increasingly utilizing standby modes to minimize power consumption during periods of inactivity, a development that has resulted in many EPSs spending more time in loading conditions below 25 percent, where the EPS active mode efficiency tends to rapidly decrease due to the increase in the ratio of fixed losses to the output power. This decrease is due in large part to a higher loss ratio where the fixed losses represent a higher percentage of the overall power consumed when compared to the output power.

To collect data on EPS efficiency and energy consumption at these lower loading points, DOE proposed to add an optional, loading condition at 10% the nameplate output current of the EPS under test to the test procedure in the NOPR. DOE cited research conducted by NRDC [7] as well as the efforts of the European Union [8] as the reasoning behind the inclusion of the additional loading point. However, as with the EU voluntary program, DOE stated that the additional measurement would not be factored into the average active mode efficiency metric used to certify EPSs with the federal efficiency standards. Instead, the measurement would serve as a stand-alone data point for DOE's consideration should it be provided by manufacturers in the certification reports. This proposed change would have had no impact on measuring compliance with the current energy conservation standards for Class A EPSs or the recently promulgated standards for direct operation EPSs that manufacturers must meet beginning in 2016. DOE felt that this minimally burdensome revision would increase the flexibility of the EPS test procedure should DOE decide to incorporate such a measurement into an efficiency standard in the future. DOE received several comments from stakeholders on this proposed additional measurement.

The CA IOUs agreed that an additional measurement at 10% of the tested EPS's nameplate output power could be an important measurement when characterizing the energy consumption of EPSs and supported DOE's intention to exclude it from the average active mode efficiency metric. (CA IOUs, No.16 at p.2) In fact, both NRDC and the CA IOUs urged DOE to make the 10% measurement mandatory for all EPSs with a nameplate output power exceeding 50 watts in order to capture efficiency data for EPSs typically used with products that spend a significant portion of time in lower power modes such as laptops. (CA IOUs, No.16 at p.3; NRDC, et al., No.18 at p.3) However, several other stakeholders disagreed with DOE's proposed approach.

ITI questioned the utility of including a 10% loading condition as an optional measurement, asserted that such a requirement would be burdensome without clearly being useful and noted that DOE should not expect to see significantly higher efficiency gains made at lower loads. ITI added that the inclusion of an additional 10% loading point does not more completely represent the achievable efficiencies of EPSs. (ITI, No.10 at p.5) ITI added that while the 10% loading point could represent achievable efficiencies for some EPSs in certain industries, it would not be universally applicable. See id. Schneider Electric agreed with ITI, stating that the 10% loading condition may more accurately capture the achievable efficiencies of EPSs in certain industries but not all. (Schneider, No.13 at p.5) PTI stated similarly that the currently-followed approach of averaging of the four loading conditions within the test procedure is already questionable because EPSs generally operate at higher loads and adding a 10% loading condition moves DOE further away from its intended goal of measuring EPS efficiency under typical usage. (PTI, No.15 at p.3) AHAM added that the inclusion of a 10% loading condition gives a low loading level the same weight as a much higher loading condition. (AHAM, No.11 at p.3) Lastly, TIA stated that DOE should not include an additional loading point measurement within the test procedure even in an optional capacity unless it has collected data that would support such a revision. (TIA, No.17 at p.3)

After carefully considering these comments, DOE has re-evaluated its proposal to include an additional, optional active-mode efficiency measurement at 10% of an EPS's nameplate output power and is declining to include such a measurement in the test procedure at this time. While DOE does not believe this addition would have presented a significant burden to manufacturers, the fact that the measurement would have been optional leads DOE to believe that the likelihood of gathering substantial data on EPS efficiency at lower loads through voluntary additions to certification reports would be very low. Instead, DOE may opt to further evaluate the merits of recording additional loading point measurements prior to setting any future recording requirement at this or another level. As part of this effort, DOE may continue to evaluate any potential loading conditions that may better represent the total energy consumption of EPSs associated with various consumer products rather than focusing entirely

[7] NRDC: External Power Supplies—Additional Efficiency Opportunities, *http://www.appliance-standards.org/sites/default/files/Next_Efficiency_Opportunities_for_External_Power_Supplies_NRDC.pdf.*

[8] European Union: Code of Conduct on External Power Supplies Version 5 (available at *http://iet.jrc.ec.europa.eu/energyefficiency/sites/energyefficiency/files/code_of_conduct_for_ps_version_5_-_draft_120919.pdf.*

on the 10% loading condition. Should it conclude that significant energy savings may be possible by improving the active-mode conversion efficiency of additional loading points, DOE may revisit this issue in a future rulemaking.

G. Energy Conservation Standards

After receiving several questions concerning the amended standards for EPSs issued on February 10, 2014, DOE proposed in the NOPR to amend 10 CFR 430.32(w)(1)(iii) to include a clarifying table to more clearly identify which EPS standards apply based on whether the EPS is (1) a Class A or non-Class A EPS and (2) direct or indirect operation. As currently defined in DOE's regulations at 10 CFR 430.2, a ''direct operation EPS'' is an EPS that can operate a consumer product that is not a battery charger without the assistance of a battery, whereas an ''indirect operation EPS'' is an EPS that cannot operate a consumer product (other than a battery charger) without the assistance of a battery. The applicable standards for each combination of these products can be seen in Table III–1 below.

TABLE III–1—APPLICABLE STANDARDS OF CLASS A AND NON-CLASS A EPSS

	Class A EPS	Non-Class A EPS
Direct Operation EPS	Level VI: 10 CFR 430.32(w)(1)(ii)	Level VI: 10 CFR 430.32(w)(1)(ii).
Indirect Operation EPS	Level IV: 10 CFR 430.32(w)(1)(i)	No Standards.

DOE intended the definitions of direct operation and indirect operation EPSs to be mutually exclusive and collectively exhaustive, so that any EPS would be either a direct or indirect operation EPS, but not both. The new regulations required that any direct-operation EPS (regardless of whether it was also a Class A EPS) would have to meet these new standards. Any indirect operation EPS would not be required to meet the new standards, but would still be required to comply with the Class A efficiency requirements if that EPS meets the definition of a Class A EPS. The Class A EPS definition is found in 42 U.S.C. 6291(36). DOE also updated the International Efficiency Marking Protocol to add a new mark, ''VI,'' to indicate compliance with the new efficiency requirements established for direct operation EPSs. In order to assist manufacturers in determining which standards apply to their product, DOE proposed to add Table III–1 to 10 CFR 430.32(w)(1)(iii).

NRDC supported DOE's clarification on which standards apply to which types of EPSs and the proposed revisions to the CFR. (NRDC et al., No.18 at p.2) There were no comments opposing the inclusion of the clarifying table. As such, DOE is amending 10 CFR 430.32(w)(1)(iii) to include Table III–1. Although DOE had intended the definitions of direct operation and indirect operation EPSs to be collectively exhaustive, DOE now believes that these terms may not adequately describe the full range of EPSs available. Nonetheless, Table 1 does accurately reflect the relationship between the new standards and classifications and the statutory standards and classifications. Additionally, since manufacturers must use the test procedure in Appendix Z to Subpart B of Part 430 when making any representation of the energy efficiency or energy consumption of an external power supply that is within the scope of the test procedure.

DOE is also clarifying that only those external power supplies subject to the energy conservation standards fall within the scope of the test procedure. By excluding external power supplies that are not subject to standards from the scope of the test procedure, manufacturers of these EPSs will not have to use Appendix Z when making representations of the energy efficiency or energy consumption of those EPSs.

In addition to the clarifications made in this final rule, DOE expects to address additional issues that were raised in the context of this rulemaking in a forthcoming notice of proposed rulemaking related to external power supplies.

H. Indirect Operation EPSs

The NOPR discussed whether EPSs that power battery chargers contained in separate physical enclosures from their end-use products would be considered indirect operation EPSs under the proposed test procedure. 79 FR at 61005. DOE noted that a battery charger is considered a consumer product in and of itself, and DOE is currently undertaking a rulemaking to consider establishing efficiency standards for battery chargers. Because that rulemaking would encompass the efficiency of EPSs that power battery chargers, DOE has defined direct operation EPS to exclude such EPSs. See 10 CFR 430.2 (''Direct operation external power supply means an external power supply that can operate a consumer product that is not a battery charger without the assistance of a battery.''). An EPS that can only operate a battery charger in a separate physical enclosure from the end-use product, but not any other consumer product, is not a direct operation EPS, and would therefore, not be subject to the efficiency standards for direct operation EPSs. See 79 FR 7859, 7929. DOE proposed to modify the indirect operation EPS definition to clarify that EPSs that can only operate battery chargers contained in physical enclosures separate from the end-use products (but not other consumer products) are indirect operation EPSs. The proposed definition specified that an indirect operation EPS is an EPS that (1) cannot operate a consumer product (that is not a battery charger) without the assistance of a battery or (2) solely provides power to a battery charger that is contained in a separate physical enclosure from the end-use product. DOE received several stakeholder comments on the definition and determination methodology associated with indirect operation EPSs.

NRDC and AHAM both supported DOE's revision to the definition of an indirect operation EPS. (NRDC, et al., No.18 at 2–3, AHAM, No.11 at p.3) AHAM also expressed concern, however, that the determination method for an indirect operation EPS is part of the definition rather than the EPS test procedure. (AHAM, No.11 at p.2) In its view, because determining whether an EPS is an indirect operation EPS involves testing, those steps should be moved to become part of the test procedure. PTI agreed with AHAM's assertion and stated that the determination method needs to be performed in the context of a test procedure that specifies equipment and environmental requirements. (PTI, No.15 at p.3)

ITI disagreed with the proposed revision to the indirect operation EPS definition and suggested removing the clause, ''that is contained in a separate physical enclosure from the end-use product,'' from that revision. It also urged DOE to provide more clarity as to the meaning of ''operate a consumer product.'' According to ITI, a consumer product should operate by providing equivalent functionality when being

directly powered from an EPS as it would provide when being directly powered by a charged battery or batteries. (ITI, No.10 at p.6).

The indirect operation determination method is not intended to test a product for energy consumption, but to place it into the appropriate product class for standards compliance and remains part of the indirect operation definition itself. Therefore, DOE does not believe that providing specific conditions is necessary for a determination method as opposed to a discrete test procedure. DOE does not see any compelling reason to move a determination of the applicability of the amended federal efficiency standards into the test procedure. Therefore, DOE intends to keep the determination of an indirect operation EPS outside the language of the test procedure.

As has been discussed, an EPS that can only operate a battery charger, but not any other consumer product, may be regulated as part of the battery charger at a later date by separate efficiency standards for battery chargers. After consideration of the issues raised in ITI's comment, DOE believes that further consideration of how best to clarify the indirect operation external power supply definition is warranted. Accordingly, DOE plans to address the definition in a forthcoming notice of proposed rulemaking.

In addition to proposed revisions to the indirect operation definition, DOE attempted to clarify some of the ambiguity regarding standards applicable to EPSs that can be used with multiple end-use applications, some of which are operated directly and others indirectly in the NOPR. See generally, 79 FR 60996. DOE stated that so long as an EPS can operate any consumer product directly, DOE considers it to be a direct operation EPS. If an EPS is shipped with a consumer product that the EPS can only operate indirectly, but that same EPS can also be used to directly operate another consumer product, DOE would still consider that EPS to be a direct operation EPS and subject to the applicable direct operation EPS efficiency standards.

PTI commented that DOE's assertion that an EPS can only be indirect if it is incapable of powering any product directly is unreasonable because a manufacturer could in no way certify that the EPS associated with any end-use product might be used in another manner by a different manufacturer. (PTI, No.15 at p.3) AHAM similarly stated that manufacturers must not be held accountable for consumers using certain EPSs with other products they were never intended to be associated with. (AHAM, No.11 at p.2) ITI recommended that DOE resolve any confusion regarding the certification of products that could be used in multiple configurations by specifying that when an ''individual stakeholder'' sells an EPS in both configurations, the EPS should comply with the direct operation standards. (ITI, No.10 at p.6)

DOE intended this proposal regarding indirect and direct operation EPSs to clarify the standards applicable to specific EPSs. In stating that so long as an EPS can operate any consumer product directly it is considered a direct operation EPS, DOE intended to refer to a manufacturer's distribution footprint and how its products may be deployed in the field. If, for example, a manufacturer uses one EPS design for a number of consumer products within a design family, and that EPS could be considered a direct operation EPS with one product and an indirect operation EPS with another product within that design family, then the EPS would need to meet the direct operation EPS standards. If the EPS is designed in a way that would make it only capable of operating certain types of products, and those products are operated exclusively indirectly, it would not be subject to the direct operation standards. Similarly, if an original equipment manufacturer (OEM) or an original design manufacturer (ODM) sells an EPS design to be used with other consumer products, the burden then falls on the EPS-certifying manufacturer (typically importers) to understand the intended use of the EPS in the field and certify accordingly. Failure to submit a certification report as a direct operation EPS, however, is not determinative that an EPS is not a direct operation EPS.

I. EPSs for Solid State Lighting

In the NOPR, DOE explained that certain components, commonly referred to as ''transformers'' or ''drivers'', that are used with solid state lighting (SSL) applications, would be subject to the Class A EPS energy conservation standards provided that they meet the statutory definition of a Class A EPS. This definition, as established by Congress in EISA 2007, provides six characteristics of a Class A EPS, all of which must be met in order for a device to be considered a Class A EPS. As discussed in the February 10, 2014 final rule, DOE determined that there were no technical differences between the EPSs that power certain SSL (including LED) products and those that are used with other end-use applications that would prevent an EPS used with SSL products from meeting the statutory definition of a Class A EPS. 79 FR 7846. See also 79 FR at 61005–61006 (reiterating DOE's belief that ''many drivers, or transformers, used for SSL applications would meet the definition of a Class A EPS and . . . be subject to the applicable energy conservation standards.'') As such, DOE believes that many drivers or transformers, such as LED drivers used for landscape lighting, lighting strings, portable luminaires, and other lighting applications, would meet all six characteristics of a Class A EPS and would therefore be subject to the applicable energy conservation standards. In the NOPR public meeting, DOE provided further guidance on how manufacturers should interpret the six characteristics of a Class A EPS as it relates to SSL applications.

Specifically, DOE clarified at the public meeting that an EPS is designed to convert line voltage AC input into lower voltage AC or DC output and explained that because fluorescent ballasts output higher voltage AC waveforms than the line voltage input they receive, they would not be considered an EPS. See Transcript (Pub. Mtg. Transcript, No. 9 at p. 47–48). During the meeting, DOE also discussed that one of the Class A criteria is that the device must be contained in a separate physical enclosure from the end-use product. Because many LED drivers are contained inside the same housing as the luminaire itself, these devices would not be considered Class A EPSs because they are contained within the same physical enclosure of the end-use product.

In response to the proposed rule, DOE received several comments on how to apply the statutory criteria for EPSs, particularly in the context of SSL drivers. The CA IOUs agreed that, with limited exceptions, drivers and transformers for SSL products meet the criteria to be considered within the scope of the rulemaking. (CA IOUs, No.16 at p.2) However, NEMA took issue with a number of aspects of DOE's approach regarding SSL products. It disagreed with DOE's conclusion that there are no technical differences between SSL drivers and other types of EPSs included within the scope of the revised EPS standards, citing such additional features as dimming functionality, network control, and light color control. (NEMA, No.14 at p.3) NEMA also commented that under certain interpretations of the rulemaking text, even the products DOE specifically listed as included within the EPS scope could be excluded. It requested that DOE revise its interpretation of a consumer product and provide concrete examples of covered and non-covered products to assist the lighting industry's

understanding of the scope of the rulemaking (NEMA, No.14 at p.3) NEMA further stated that many SSL/LED drivers are not sold with, or intended to be used with, a separate end-use product and, consequently, do not fall into the Class A EPS definition and should not be subject to regulation. Additionally, even if these products did meet the Class A definition, according to NEMA, DOE could not properly test SSL drivers under the existing DOE test procedure, even with the amendments proposed in the NOPR. (NEMA, No.14 at p.2)

Lutron Electronics echoed many of NEMA's concerns, stating that the scope of the EPS rulemaking was unclear as it related to LED drivers and that DOE's assertion that LED drivers are technologically equivalent to other similarly rated EPSs that fall within the rule's scope was not based on any technical analysis. (Lutron, No.12 at p.2) Lutron also stated that DOE should follow the course of other standards development organizations and consider regulating LED drivers and lighting ballasts in a separate rulemaking from EPSs. Lutron claims that treating these products as regulated EPSs will eliminate certain SSL drivers with networking capabilities from the market because of the strict no-load standards required by the 2014 final rule. Lutron argued that eliminating this added utility will remove several smart energy management tools from buildings and result in higher overall energy consumption. Additionally, Lutron agreed with NEMA's statement that LED drivers should not be considered as part of the EPS rulemaking because they are not ''external'' to the luminaire they are powering. (Lutron, No.12 at p.3–4)

Any device that meets the congressional definition of an EPS is a covered product that may be subject to energy conservation standards. (42 U.S.C. 6291(36)) Congress defined an EPS as ''an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.'' 42 U.S.C. 6291(36)(A). While a device that meets the EPS definition is considered a covered product, only certain EPSs are currently subject to energy conservation standards. Specifically, Congress defined, and established energy conservation standards for, Class A EPSs. (42 U.S.C. 6291(36)(C)(i)). DOE has no authority to alter the applicability of the Class A EPS standards as set forth by Congress.

Whether a given product satisfies the applicable definition is assessed at the time a product is manufactured. For products imported into the U.S., this is the date of importation. See 42 U.S.C. 6291(10) (''The term 'manufacture' means to manufacture, produce, assemble or import.'') Thus, although many LED drivers are sold to an end-user inside the same housing as a luminaire, an LED driver imported into the U.S. as a separate product, prior to being incorporated into a luminaire, is a Class A EPS at the time of its manufacture (importation), if it meets the other five criteria, because it would not yet be contained within the same physical enclosure as the end-use product. However, if any such LED driver were not able to convert household electric current into DC current or lower-voltage AC current at the time it is imported, it would not meet the definition of an EPS and, therefore, would not be subject to energy conservation standards.

When determining whether an EPS meets the statutory definition of a Class A EPS, DOE evaluates whether all six characteristics are present in the device in question. While NEMA has brought forward several additional functionalities, such as dimming functionality, network control, and light color control, that may be used to distinguish one Class A EPS from another, any device that contains the six criteria of a Class A EPS would be subject to the Class A EPS energy conservation standards. Only the six characteristics of a Class A EPS, and not any additional technical functionality, are used by DOE to determine whether a device is considered a Class A EPS. As such, DOE expects some SSL drivers to fall within the definition of a Class A EPS and, consequently, are subject to the current Class A standards. Class A EPSs must meet the Class A EPS standards when tested using the DOE test procedure and sampling provisions. Similarly, these Class A EPSs will be subject to the standards with which compliance is required in February 2016. (See discussion regarding Table III–1.)

Finally, in addressing stakeholder concerns that SSL drivers cannot be tested under the existing DOE test procedure when taking the no-load measurement of a hard-wired connection, DOE notes the test method states that the no-load measurement should be taken by cutting the cord adjacent to the end-use product and conducting the measurement probes at that point in section 4(a)(ii) of Appendix Z. As discussed in Section K, this language was previously incorporated by reference in Appendix Z by citing the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies (August 11, 2004)'', but will be adopted into Appendix Z as part of this final rule. Therefore, DOE's test method does, in fact, provide a clear method for testing no-load mode of hardwired connections.

Nonetheless, DOE recognizes that EPSs may change over time as manufacturers add new features and update designs in order to compete for consumers. Acknowledging that innovation and product development may occasionally cause products to change in ways that either (1) make the results of a test procedure not representative of actual energy use or efficiency, or (2) make it impossible to test in accordance with the relevant test procedure, DOE considers petitions for waivers from test procedures under certain circumstances. Any interested party—typically a manufacturer—may submit a petition for a test procedure waiver for a basic model of a covered product if the basic model's design prevents it from being tested according to the test procedures, or if the test procedure yields materially inaccurate or unrepresentative energy use data. 10 CFR 430.27. To the extent that manufacturers wish to obtain a waiver from the EPS test procedure, manufacturers should petition DOE for a waiver and/or interim waiver. More information on the waiver process is available on the DOE Web site: *http://energy.gov/eere/buildings/test-procedure-waivers*.

J. Sampling Plan

For certification and compliance, manufacturers are required to rate each basic model according to the sampling provisions specified in 10 CFR part 429. In the NOPR, DOE explained that because the recent energy conservation standards apply to direct operation EPSs, which include both Class A and non-Class A EPSs, there is no longer a need to differentiate between Class A and non-Class A EPSs for the purposes of Part 429. See 79 FR at 61006. As a result, DOE proposed to amend § 429.37 so that the sampling plan would be applied to any EPS subject to energy conservation standards. DOE sought comment on this proposal to apply the sampling plan requirements to all EPSs subject to an energy conservation standard, regardless of whether they meet the Class A definition.

AHAM agreed that there should not be differing class requirements between different types of EPSs and supported DOE's proposal to have one singular sampling plan for all products within the scope of the EPS standards. (AHAM, No.11 at p.3–4) The CA IOUs and NRDC

also agreed with DOE's proposal to unite all EPSs under the same sampling requirements that are currently outlined in the Class A EPS sampling plan in 429.37. (CA IOUs, No.16 at p.3; NRDC, *et al.*, No. 18 at p.2)

ITI agreed that adopting one sampling plan may work for some but not all situations, citing the difference between DOE's sampling plans based on manufacturing volume and industry sampling plans. ITI recommended that DOE consider specific quality control documents typically used by industry to ensure an acceptable outgoing quality control level, optimize yield, and minimize cost. However, they did not outline specific instances where one sampling plan would be problematic. (ITI, No.10 at p.7)

Based on the comments submitted by stakeholders, DOE has not found any technical reason that would prevent both Class A and non-Class A EPSs from being subject to the same sampling requirements. DOE's current Class A sampling requirements are consistent with the sampling plans of other consumer products. Therefore, DOE is amending 429.37 in this final rule to establish one sampling plan for EPSs.

K. Expanding Regulatory Text

In the process of developing the EPS test procedure, DOE incorporated existing methodologies from a number of different standard setting organizations. For example, the single-voltage test procedure codified in Appendix Z references specific sections of the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies (August 11, 2004)'' to outline how the active mode efficiency and no-load mode power consumption tests should be performed. Within these sections, there are two additional references to standards developed by IEC [9] and the Institute of Electrical and Electronics Engineers (IEEE)[10]. Therefore, technicians must reference four separate documents published by four independent organizations in order to properly perform the functions required by the EPS test procedure.

In 2013, the Canadian Standards Association (CSA) recognized the confusion associated with referencing multiple documents and amended their EPS test procedure [11] to incorporate the text from Appendix Z directly. Rather than keep the references to the CEC procedure found in Appendix Z, however, the CSA adopted the text from the specific sections referenced by the DOE procedure. After reviewing the revised CSA procedure, DOE found that the new text is identical to the test procedure in Appendix Z, but greatly enhances the clarity of Appendix Z by consolidated the referenced text within the test procedure itself. DOE believes that these efforts have reduced the burden on stakeholders and technicians since the text referenced from the CEC procedure can now be found within a single document. Stakeholders agreed with this determination within the comments submitted for the test procedure NOPR.

AHAM specifically commented that the DOE and CSA procedures are identical and if DOE wished to incorporate any language by reference it would be more appropriate to do so from a document published by a standard setting organization rather than one developed by a government contractor. (AHAM, No.11 at p.2–3) Since then, DOE has evaluated the merits of referencing the CSA test procedure directly rather than continuing to revise the CEC text with additional exceptions and clarifications.

After further consideration, DOE is instead electing to incorporate the text previously incorporated by reference from the CEC's ''Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies (August 11, 2004)'' into Appendix Z of Subpart B to 10 CFR part 430. If DOE were to incorporate the CSA test procedure, it would still need to make certain clarifications based on the amendments adopted in this final rule, and the intent behind adopting one point of reference within the test procedure would be nullified. Technicians would still need to refer to multiple sources in order to follow the DOE EPS test procedure. Instead, DOE is adopting an approach identical to the one taken by the CSA during the 2013 revision of its test procedure such that multiple references can be consolidated into a single document. This approach will not alter the method used to determine the active mode efficiency or no-load power consumption in any way. Rather, it will directly insert the test methodology from the CEC test procedure into Appendix Z and eliminate the need for technicians to reference specific sections of that document. This revision will also allow DOE to modify the specific text within Appendix Z should the need arise in any future rulemakings rather than having to provide additional clarifications on the procedures detailed in the CEC test method.

Any amendments DOE has codified within Appendix Z related to referenced CEC text will be incorporated into the language adopted in this final rule as well. For example, DOE will adopt nearly all of the text in the ''General Conditions for Measurement'' section of the CEC test procedure that was previously incorporated by reference, expect for those provisions in the section for which DOE had already codified exceptions. Specifically, this section of the CEC test procedure noted that EPSs are to be tested at both 115VAC, 60 Hz and 230VAC, 50 Hz. However, DOE codified language in the 2006 test procedure final rule that states that EPSs will only be tested at 115V, AC, 60Hz. So, although the text from this section is being adopted into Appendix Z as part of this final rule, DOE is modifying the specific language associated with the test voltages to align with the exceptions already codified in Appendix Z. All other similar instances are also reflected in the regulatory text. Since these clarifications to the referenced text were previously adopted for the EPS test procedure, the modifications to the text from the CEC procedure will not alter the way the test procedure is performed. DOE believes this approach will further reduce any confusion over the current EPS test procedure regulatory text, and is therefore adopting this approach as part of this final rule.

L. Effective Date and Compliance Date of Test Procedure

The effective date for this test procedure is 30 days after publication in the **Federal Register**. At that time, the new metrics and any other measure of energy consumption relying on these metrics may be represented pursuant to the final rule. Consistent with 42 U.S.C. 6293(c), energy consumption or efficiency representations by manufacturers must be based on the new test procedure and sampling plans starting 180 days after the date of publication of this test procedure final rule. Starting on that date, any such representations, including those made on marketing materials, Web sites (including qualification with a voluntary or State program), and product labels must be based on results generated using the final rule procedure

[9] IEC 62301 Ed. 1.0, *Household electrical appliances—Measurement of standby power*, June 2005.

[10] IEEE Std 1515–2000, IEEE Recommended Practice for Electronic Power Subsystems: Parameter Definitions, Test Conditions, and Test Methods.

[11] CAN/CSA–C381.1, *Test method for calculating the energy efficiency of single-voltage external ac-dc and ac-ac power supplies*, (November 2008).

as well as the sampling plan in 10 CFR part 429.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

For manufacturers of EPSs, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/content/summary-size-standards-industry.* EPS manufacturing is classified under NAICS 335999, ''All Other Miscellaneous Electrical Equipment and Component Manufacturing.'' The SBA sets a threshold of 500 employees or less for an entity to be considered as a small business for this category.

DOE reviewed the final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. This final rule prescribes certain limited clarifying amendments to an already-existing test procedure that will help manufacturers and testing laboratories to consistently conduct that procedure when measuring the energy efficiency of an EPS, including in those instances where compliance with the applicable Federal energy conservation is being assessed. DOE has concluded that the final rule will not have a significant impact on a substantial number of small entities.

Although DOE initially believed that there were no domestic manufacturers of EPS who qualify as small businesses, DOE conducted a further review to update its assessment. DOE's most recent small business search continued to show that the majority of EPS manufacturers are foreign-owned and -operated companies. Of the few that are domestically-owned, most are larger companies with more than 500 employees. DOE's most recent search again showed that there are no small, domestic manufacturers of EPSs. Even if small domestic manufacturers of EPSs existed in the U.S., the nature of the revisions to the EPS test procedure make it unlikely that these changes would have created any additional certification costs that would cause adverse impacts to those manufacturers. Therefore, there are no small business impacts to evaluate for purposes of the Regulatory Flexibility Act.

In addition, DOE expects any potential impact from this final rule to be minimal. As noted earlier, DOE's EPS test procedure has existed since 2005 and the modest clarifications in the final rule are unlikely to create a burden on any manufacturers. These revisions harmonize the instrumentation resolution and uncertainty requirements with the second edition of the International Electrotechnical Commission (IEC) 62301 standard when measuring standby power along with other international standards programs. They also clarify certain testing set-up requirements. These updates will not increase the testing burden on EPS manufacturers.

For these reasons, DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of EPSs must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for EPSs, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including EPSs. *See* 10 CFR part 429, subpart B. The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

This rule amends the DOE test procedure for EPSs. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule.[12] Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies

[12] In its October 2014 proposal, DOE had inadvertently identified this exclusion as Category A6.

or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and,

accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This final rule incorporates testing methods contained in the following standard: IEC Standard 62301 ''Household electrical appliances—Measurement of standby power.'' It also incorporates a testing method developed by the State of California, section 1604(u)(1) of the CEC 2007 Appliance Efficiency Regulations. DOE has evaluated these testing standards and believes that the IEC standard was developed in a manner that fully provides for public participation, comment, and review. Additionally, DOE has consulted with the Attorney General and the Chairwoman of the FTC concerning the effect on competition of requiring manufacturers to use the test method in this standard and neither objected to its incorporation.

M. Description of Materials Incorporated by Reference

In this final rule, DOE is updating the incorporation by reference of International Electrotechnical Commission (IEC) Standard 62301 (''IEC 62301''), (Edition 2.0, 2011–01), Household electrical appliances—Measurement of standby power, to add it to Appendix Z. This testing standard is an industry accepted test procedure that sets a standardized method to follow when measuring the standby power of household and similar electrical appliances. Included within this testing standard are the details regarding test set-up, testing conditions, and stability requirements that are necessary to help ensure consistent and repeatable test results. Copies of this testing standard are readily available from the IEC at *https://webstore.iec.ch/publication/6789* and also from the American National Standards Institute, 25 W. 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or go to *http://webstore.ansi.org.*

N. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on August 17, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends parts 429 and 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.37 is amended by revising the section heading, and paragraph (b)(2) to read as follows:

§ 429.37 External power supplies.

* * * * *

(b) * * *

(2) * * *

(i) External power supplies: The average active mode efficiency as a percentage (%), no-load mode power consumption in watts (W), nameplate output power in watts (W), and, if missing from the nameplate, the output current in amperes (A) of the basic model or the output current in amperes (A) of the highest- and lowest-voltage models within the external power supply design family.

(ii) Switch-selectable single-voltage external power supplies: The average active mode efficiency as a percentage (%) value, no-load mode power consumption in watts (W) using the lowest and highest selectable output voltages, nameplate output power in watts (W), and, if missing from the nameplate, the output current in amperes (A).

(iii) Adaptive single-voltage external power supplies: The average active-mode efficiency as a percentage (%) at the highest and lowest nameplate output voltages, no-load mode power consumption in watts (W), nameplate output power in watts (W) at the highest and lowest nameplate output voltages, and, if missing from the nameplate, the output current in amperes (A) at the highest and lowest nameplate output voltages.

(iv) External power supplies that are exempt from no-load mode requirements under § 430.32(w)(1)(iii) of this chapter: A statement that the product is designed to be connected to a security or life safety alarm or surveillance system component, the average active-mode efficiency as a percentage (%), the nameplate output power in watts (W), and if missing from the nameplate, the certification report must also include the output current in amperes (A) of the basic model or the output current in amperes (A) of the highest- and lowest-voltage models within the external power supply design family.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 3. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 4. Section 430.2 is amended by adding a definition for ''Adaptive external power supply (EPS)'' in alphabetical order to read as follows:

§ 430.2 Definitions.

* * * * *

Adaptive external power supply (EPS) means an external power supply that can alter its output voltage during active-mode based on an established digital communication protocol with the

end-use application without any user-generated action.

* * * * *

■ 5. Section 430.3 is amended by:
■ a. Removing paragraph (l);
■ b. Redesignating paragraphs (m) through (w) as paragraphs (l) through (v) respectively; and
■ c. Revising newly redesignated paragraph (p)(4) to read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(p) * * *

(4) IEC 62301 (''IEC 62301''), *Household electrical appliances—Measurement of standby power,* (Edition 2.0, 2011–01), IBR approved for appendices C1, D1, D2, G, H, I, J2, N, O, P, X, X1 and Z to subpart B.

* * * * *

■ 6. Appendix Z to Subpart B of Part 430 is amended:
■ a. By adding introductory text to Appendix Z.
■ b. By revising section 1., Scope.
■ c. In section 2, Definitions, by:
■ i. Redesignating paragraphs f. through x. as paragraphs h. through z.; and
■ ii. Adding new paragraphs f. and g.
■ d. In section 3, Test Apparatus and General Instructions, by:
■ i. Revising paragraphs (a) and (b)(i)(A);
■ ii. Removing and reserving paragraph (b)(i)(B); and
■ iii. Removing paragraph (b)(i)(C).
■ e. In section 4, Test Measurement, by revising paragraphs (a)(i) and (ii).

The revisions and additions read as follows:

Appendix Z to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of External Power Supplies

Starting on February 21, 2016, any representations made with respect to the energy use or efficiency of external power supplies must be made in accordance with the results of testing pursuant to this appendix. Prior to February 21, 2016, representations made with respect to the energy use or efficiency of external power supplies must be made in accordance with this appendix or Appendix Z as it appeared at 10 CFR part 430, subpart B, Appendix Z as contained in the 10 CFR parts 200 to 499 edition revised as of January 1, 2015. Because representations must be made in accordance with tests conducted pursuant to this appendix as of February 21, 2016, manufacturers may wish to begin using this test procedure as soon as possible.

1. Scope.

This appendix covers the test requirements used to measure the energy consumption of direct operation external power supplies and indirect operation Class A external power supplies subject to the energy conservation standards set forth at § 430.32(w)(1).

2. Definitions

* * * * *

f. Average Active-Mode Efficiency means the average of the loading conditions (100 percent, 75 percent, 50 percent, and 25 percent of its nameplate output current) for which it can sustain the output current.

g. *IEC 62301* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances—Measurement of standby power,'' Publication 62301 (Edition 2.0 2011–01) (incorporated by reference; see § 430.3).

* * * * *

3. Test Apparatus and General Instructions

(a) Single-Voltage External Power Supply.

(i) Any power measurements recorded, as well as any power measurement equipment utilized for testing, shall conform to the uncertainty and resolution requirements outlined in Section 4, ''General conditions for measurements,'' as well as Annexes B, ''Notes on the measurement of low power modes,'' and D, ''Determination of uncertainty of measurement,'' of IEC 62301 (incorporated by reference; see § 430.3).

(ii) As is specified in IEC 62301 (incorporated by reference; see § 430.3), the tests shall be carried out in a room that has an air speed close to the unit under test (UUT) of ≤0.5 m/s. The ambient temperature shall be maintained at 20 ± 5 °C throughout the test. There shall be no intentional cooling of the UUT by use of separately powered fans, air conditioners, or heat sinks. The UUT shall be tested on a thermally non-conductive surface. Products intended for outdoor use may be tested at additional temperatures, provided those are in addition to the conditions specified above and are noted in a separate section on the test report.

(iii) If the UUT is intended for operation on AC line-voltage input in the United States, it shall be tested at 115 V at 60 Hz. If the UUT is intended for operation on AC line-voltage input but cannot be operated at 115 V at 60 Hz, it shall not be tested. The input voltage shall be within ±1 percent of the above specified voltage.

(iv) The input voltage source must be capable of delivering at least 10 times the nameplate input power of the UUT as is specified in IEEE 1515–2000 (Referenced for guidance only, see § 430.4). Regardless of the AC source type, the THD of the supply voltage when supplying the UUT in the specified mode must not exceed 2%, up to and including the 13th harmonic (as specified in IEC 62301). The peak value of the test voltage must be within 1.34 and 1.49 times its RMS value (as specified in IEC 62301 (incorporated by reference; see § 430.3)).

(v) Select all leads used in the test set-up as specified in Table B.2—''Commonly used values for wire gages and related voltage drops'' in IEEE 15152000.

(b) * * *

(i) Verifying Accuracy and Precision of Measuring Equipment

(A) Any power measurements recorded, as well as any power measurement equipment utilized for testing, must conform to the uncertainty and resolution requirements outlined in Section 4, ''General conditions for measurements'', as well as Annexes B, ''Notes on the measurement of low power modes'', and D, ''Determination of uncertainty of measurement'', of IEC 62301 (incorporated by reference; see § 430.3).

(B) [Reserved]

* * * * *

4. Test Measurement

(a) * * *

(i) Standby Mode and Active-Mode Measurement.

(A) Any built-in switch in the UUT controlling power flow to the AC input must be in the ''on'' position for this measurement, and note the existence of such a switch in the final test report. Test power supplies packaged for consumer use to power a product with the DC output cord supplied by the manufacturer. There are two options for connecting metering equipment to the output of this type of power supply: Cut the cord immediately adjacent to the DC output connector, or attach leads and measure the efficiency from the output connector itself. If the power supply is attached directly to the product that it is powering, cut the cord immediately adjacent to the powered product and connect DC measurement probes at that point. Any additional metering equipment such as voltmeters and/or ammeters used in conjunction with resistive or electronic loads must be

connected directly to the end of the output cable of the UUT. If the product has more than two output wires, including those that are necessary for controlling the product, the manufacturer must supply a connection diagram or test fixture that will allow the testing laboratory to put the unit under test into active-mode. Figure 1 provides one illustration of how to set up an EPS for test; however, the actual test setup may vary pursuant to the requirements of this paragraph.

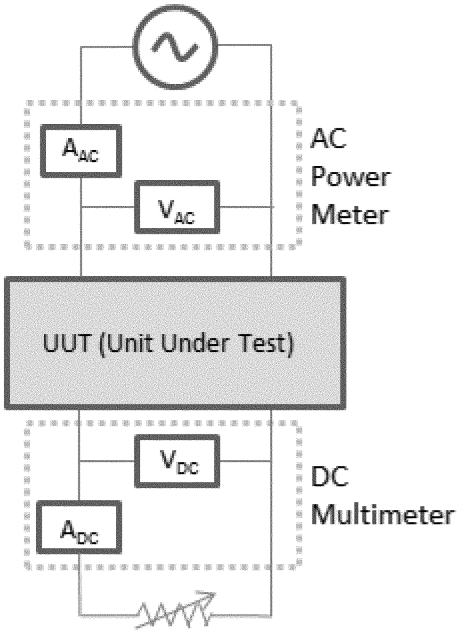

Figure 1. Example Connection Diagram for EPS Efficiency Measurements

(B) External power supplies must be tested in their final, completed configuration in order to represent their measured efficiency on product labels or specification sheets. Although the same procedure may be used to test the efficiency of a bare circuit board power supply prior to its incorporation into a finished housing and the attachment of its DC output cord, the efficiency of the bare circuit board power supply may not be used to characterize the efficiency of the final product (once enclosed in a case and fitted with a DC output cord). For example, a power supply manufacturer or component manufacturer may wish to assess the efficiency of a design that it intends to provide to an OEM for incorporation into a finished external power supply, but these results may not be used to represent the efficiency of the finished external power supply.

(C) All single voltage external AC-DC power supplies have a nameplate output current. This is the value used to determine the four active-mode load conditions and the no load condition required by this test procedure. The UUT shall be tested at the following load conditions:

TABLE 1—LOADING CONDITIONS FOR A SINGLE-VOLTAGE UNIT UNDER TEST

Percentage of Nameplate Output Current	
Load Condition 1	100% of Nameplate Output Current ±2%.
Load Condition 2	75% of Nameplate Output Current ±2%.
Load Condition 3	50% of Nameplate Output Current ±2%.
Load Condition 4	25% of Nameplate Output Current ±2%.
Load Condition 5	0%.

The 2% allowance is of nameplate output current, not of the calculated current value. For example, a UUT at Load Condition 3 may be tested in a range from 48% to 52% of rated output current. Additional load conditions may be selected at the technician's discretion, as described in IEEE 1515–2000 (Referenced for guidance only, see § 430.4), but are not required by this test procedure. For Loading Condition 5, place the UUT in no-load mode, disconnect any additional signal connections to the UUT, and measure input power.

1. Where the external power supply lists both an instantaneous and continuous output current, test the external power supply at the continuous condition only.

2. If an external power supply cannot sustain output at one or more of loading conditions 1–4 as specified in Table 1, test the external power supply only at the loading conditions for which it can sustain output. In these cases, the average active mode efficiency is the average of the loading conditions for which it can sustain the output.

(D) Test switch-selectable single-voltage external power supplies twice—once at the highest nameplate output voltage and once at the lowest.

(E) Test adaptive external power supplies twice—once at the highest achievable output voltage and once at the lowest.

(F) In order to load the power supply to produce all four active-mode load conditions, use a set of variable resistive or electronic loads. Although these loads may have different characteristics than the electronic loads power supplies are intended to power, they provide standardized and readily repeatable references for testing and product comparison. Note that resistive loads need not be measured precisely with an ohmmeter; simply adjust a variable resistor to the point where the ammeter confirms that the desired percentage of nameplate output current is flowing. For electronic loads, adjust the desired output current in constant current (CC) mode rather than adjusting the required output power in constant power (CP) mode.

(G) As noted in IEC 62301 (incorporated by reference; see § 430.3), instantaneous measurements are appropriate when power readings are stable in a particular load condition. Operate the UUT at 100% of nameplate current output for at least 30 minutes immediately prior to conducting efficiency measurements. After this warm-up period, monitor AC input power for a period of 5 minutes to assess the stability of the UUT. If the power level does not drift by more than 5% from the maximum value observed, the UUT is considered stable and the measurements should be recorded at the end of the 5-minute period. Measure subsequent load conditions under the same 5-minute stability parameters. Note that only one warm-up period of 30 minutes is required for each UUT at the beginning of the test procedure. If the AC input power is not stable over a 5-minute period, follow the guidelines established by IEC 62301 for measuring average power or accumulated energy over time for both AC input and DC output. Conduct efficiency measurements in sequence from Load Condition 1 to Load Condition 5 as indicated in Table 1. If testing of additional, optional load conditions is desired, that testing should be conducted in accordance with this test procedure and subsequent to completing the sequence described above.

(H) Calculate efficiency by dividing the UUT's measured DC output power at a given load condition by the true AC input power measured at that load condition. Calculate average efficiency as the arithmetic mean of the efficiency values calculated at Test Conditions 1, 2, 3, and 4 in Table 1, and record this value. Average efficiency for the UUT is a simple arithmetic average of active-mode efficiency values, and is not intended to represent weighted average efficiency, which would vary according to the duty cycle of the product powered by the UUT.

(I) Power consumption of the UUT at each Load Condition 1–4 is the difference between the DC output power (W) at that Load Condition and the AC input power (W) at that Load Condition. The power consumption of Load Condition 5 (no load) is equal to the AC input power (W) at that Load Condition.

(ii) Off-Mode Measurement—If the external power supply UUT incorporates manual on-off switches, place the UUT in off-mode, and measure and record its power consumption at ''Load Condition 5'' in Table 1. The measurement of the off-mode energy consumption must conform to the requirements specified in paragraph 4(a)(i) of this appendix, except that all manual on-off switches must be placed in the ''off'' position for the off-mode measurement. The UUT is considered stable if, over 5 minutes with samples taken at least once every second, the AC input power does not drift from the maximum value observed by more than 1 percent or 50 milliwatts, whichever is greater. Measure the off-mode power consumption of a switch-selectable single-voltage external power supply twice—once at the highest nameplate output voltage and once at the lowest.

* * * * *

■ 7. Section 430.32 is amended by adding paragraph (w)(1)(iii) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

(w) * * *

(1)* * *

(iii) Except as provided in paragraphs (w)(5), (w)(6), and (w)(7) of this section, all external power supplies manufactured on or after February 10, 2016, shall meet the following standards:

	Class A EPS	Non-Class A EPS
Direct Operation EPS	Level VI: 10 CFR 430.32(w)(1)(ii)	Level VI: 10 CFR 430.32(w)(1)(ii).
Indirect Operation EPS	Level IV: 10 CFR 430.32(w)(1)(i)	No Standards.

* * * * *

[FR Doc. 2015–20717 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1044; Directorate Identifier 2014–NM–148–AD; Amendment 39–18245; AD 2015–17–12]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Cessna Aircraft Company Model 500, 501, 550, 551, S550, 560, and 650 airplanes. This AD was prompted by reports of smoke and/or fire in the tailcone caused by sparking due to excessive wear of the brushes in the air conditioning (A/C) motor. This AD requires inspections to determine if certain A/C compressor motors are installed and to determine the accumulated hours on certain A/C compressor motor assemblies; and repetitive replacement of the brushes in the A/C compressor motor assembly, or, as an option to the brush replacement, deactivation of the A/C system and

placard installation; and return of replaced brushes to Cessna. We are issuing this AD to prevent the brushes in the A/C motor from wearing down beyond their limits, which could result in the rivet in the brush contacting the commutator, causing sparks and consequent fire and/or smoke in the tailcone with no means to detect or extinguish the fire and/or smoke.

DATES: This AD is effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2015.

ADDRESSES: For service information identified in this AD, contact Cessna Aircraft Co., P.O. Box 7706, Wichita, KS 67277; phone: 316–517–6215; fax: 316–517–5802; email: *citationpubs@cessna.textron.com*; Internet *https://www.cessnasupport.com/newlogin.html.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–1044.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–1044; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Craig Henrichsen, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE–119W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4110; fax: 316–946–4107; email: *Craig.Henrichsen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Cessna Aircraft Company Model 500, 501, 550, 551, S550, 560, and 650 airplanes. The NPRM published in the **Federal Register** on January 23, 2015 (80 FR 3516). The NPRM was prompted by reports of smoke and/or fire in the tailcone caused by sparking due to excessive wear of the brushes in the A/C motor. The NPRM proposed to require inspections to determine if certain A/C compressor motors are installed and to determine the accumulated hours on certain A/C compressor motor assemblies; and repetitive replacement of the brushes in the A/C compressor motor assembly, or, as an option to the brush replacement, deactivation of the A/C system and placard installation; and return of replaced brushes to Cessna. We are issuing this AD to prevent the brushes in the A/C motor from wearing down beyond their limits, which could result in the rivet in the brush contacting the commutator, causing sparks and consequent fire and/or smoke in the tailcone with no means to detect or extinguish the fire and/or smoke.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 3516, January 23, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (80 FR 3516, January 23, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 3516, January 23, 2015).

Interim Action

We consider this AD interim action. The reporting data required by this AD will enable us to obtain better insight into brush wear. The reporting data will also indicate if the replacement intervals we established are adequate. After we analyze the reporting data received, we might consider further rulemaking.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information, which describes procedures for replacement of life-limited components, including part number FWA1134104–1 or FWA1134104–5 A/C compressor motor brushes.

- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 6, dated June 23, 2014, of the Cessna Model 500/501 Maintenance Manual.
- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 10, dated June 23, 2014, of the Cessna Model 550/551 Maintenance Manual.
- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 12, dated June 23, 2014, of the Cessna Model 550 Bravo Maintenance Manual.
- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 9, dated June 23, 2014, of the Cessna Model S550 Maintenance Manual.
- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 22, dated June 23, 2014, of the Cessna Model 560 Maintenance Manual.
- Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 32, dated June 23, 2014, of the Cessna Model 650 Maintenance Manual.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 333 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS—BRUSH REPLACEMENT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and replacement ...	11 work-hours × $85 per hour = $935 per replacement cycle.	$252	$1,187 per replacement cycle	$395,271 per replacement cycle.
Reporting/return parts	1 work-hour × $85 per hour = $85 per return.	0	85	$28,305 per return (2 returns required).

ESTIMATED COSTS—A/C DEACTIVATION

Action	Labor cost	Parts cost	Cost per product
Fabrication of placard for A/C deactivation	1 work-hour × $85 per hour = $85	$0	$85
Deactivation/reactivation of A/C	1 work-hour × $85 per hour = $85	0	85

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(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),

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–17–12 Cessna Aircraft Company: Amendment 39–18245; Docket No. FAA–2014–1044; Directorate Identifier 2014–NM–148–AD.

(a) Effective Date

This AD is effective September 29, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Cessna Aircraft Company airplanes, certificated in any category, identified in table 1 to paragraph (c) of this AD, that have an air conditioning (A/C) system installed via a Cessna Aircraft Company supplemental type certificate (STC) identified in paragraph (c)(1), (c)(2), (c)(3), or (c)(4) of this AD.

(1) SA3849SW (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/029C5719AD18E79C86257C1A0069742C?OpenDocument&Highlight=sa3849sw*).

(2) SA7580SW (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/7C9B0FB7D5923D4986257C1A0069E2C0?OpenDocument&Highlight=sa7580sw*).

(3) SA7753SW (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/A78233CBB3314BAF86257C1A0069D128?OpenDocument&Highlight=sa7753sw*).

(4) SA8918SW (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/5FAD7ABA3EAA464C86257C1A0069F239?OpenDocument&Highlight=sa8918sw*).

TABLE 1 TO PARAGRAPH (c) OF THIS AD—AFFECTED AIRPLANE MODELS AND SERIAL NUMBERS (S/NS)

Cessna aircraft company airplane models	S/Ns
Model 500 and 501 airplanes	0001 through 0689 inclusive.
Model 550 and 551 airplanes	0002 through 0733 inclusive, and 0801 through 1136 inclusive.
Model S550 airplanes	0001 through 0160 inclusive.
Model 560 airplanes	0001 through 0707 inclusive, and 0751 through 0815 inclusive.
Model 650 airplanes	0200 through 0241 inclusive, and 7001 through 7119 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air Conditioning.

(e) Unsafe Condition

This AD was prompted by reports of smoke and/or fire in the tailcone caused by sparking due to excessive wear of the brushes in the A/C motor. We are issuing this AD to prevent the brushes in the A/C motor from wearing down beyond their limits, which could result in the rivet in the brush contacting the commutator, causing sparks and consequent fire and/or smoke in the tailcone with no means to detect or extinguish the fire and/or smoke.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection for Part Number (P/N)

Within 30 days or 10 flight hours after the effective date of this AD, whichever occurs first: Inspect the A/C compressor motor to determine whether P/N FWA1134104–1 or P/N FWA1134104–5 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the A/C compressor motor can be conclusively determined from that review.

(h) Inspection of Compressor Hour Meter and Maintenance Records

If, during the inspection required by paragraph (g) of this AD, any A/C compressor motor having P/N FWA1134104–1 or P/N FWA1134104–5 is found: Within 30 days or 10 flight hours after the effective date of this AD, whichever occurs first, determine the hour reading on the A/C compressor hour meter as specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Inspect the number of hours accumulated on the A/C compressor hour meter.

(2) Check the airplane logbook for any entry for replacing the A/C compressor motor brushes with new brushes, or for replacing the compressor motor or compressor condenser module assembly (pallet) with a motor or assembly that has new brushes.

(i) If the logbook contains an entry for replacement of parts, as specified in paragraph (h)(2) of this AD, determine the number of hours accumulated on the A/C compressor motor brushes by comparing the number of hours on the compressor motor since replacement and use this number in lieu of the number determined in paragraph (h)(1) of this AD.

(ii) If, through the logbook check, a determination cannot be made regarding the number of hours accumulated on the A/C compressor motor brushes, as specified in paragraph (h)(2) of this AD, use the number of hours accumulated on the A/C compressor hour meter determined in paragraph (h)(1) of this AD, or presume the brushes have over 500 hours time-in-service.

(i) Replacement

Using the hour reading on the A/C compressor hour meter determined in paragraph (h) of this AD, replace the A/C compressor motor brushes with new brushes at the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD. Thereafter, repeat the replacement of the A/C compressor motor brushes at intervals not to exceed 500 hours time-in-service on the A/C compressor motor. Do the replacement in accordance with the applicable Cessna maintenance manual subject specified in paragraphs (j)(1) through (j)(6) of this AD.

(1) Before the accumulation of 500 total hours time-in-service on the A/C compressor motor.

(2) Before further flight after doing the inspection required in paragraph (h) of this AD.

(j) Maintenance Manual Information for Replacement

Use the instructions in the applicable Cessna maintenance manual subject specified in paragraphs (j)(1) through (j)(6) of this AD to do the replacement required by paragraph (i) of this AD.

(1) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 6, dated June 23, 2014, of the Cessna Model 500/501 Maintenance Manual.

(2) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 10, dated June 23, 2014, of the Cessna Model 550/551 Maintenance Manual.

(3) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 12, dated June 23, 2014, of the Cessna Model 550 Bravo Maintenance Manual.

(4) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 9, dated June 23, 2014, of the Cessna Model S550 Maintenance Manual.

(5) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 22, dated June 23, 2014, of the Cessna Model 560 Maintenance Manual.

(6) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 32, dated June 23, 2014, of the Cessna Model 650 Maintenance Manual.

(k) Deactivation of the A/C System

In lieu of replacing the A/C compressor motor brushes as required by this AD, deactivate the A/C system as specified in paragraph (k)(1) or (k)(2) of this AD, as applicable.

(1) For all airplanes except Model 650 airplanes: Pull the vapor cycle A/C circuit breaker labeled ''AIR COND,'' do the actions specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, and document deactivation of the system in the airplane logbook, referring to this AD as the reason for deactivation.

(i) Fabricate a placard that states: ''A/C DISABLED'' with 1/8-inch black lettering on a white background.

(ii) Install the placard on the airplane instrument panel within 6 inches of the A/C selection switch.

(2) For Model 650 airplanes: Pull the vapor cycle A/C circuit breaker labeled ''FWD EVAP FAN,'' do the actions specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, and document deactivation of the system in the airplane logbook, referring to this AD as the reason for deactivation.

Note 1 to paragraph (k) of this AD: While the A/C system is deactivated, it is recommended that airplane operators remain aware of the operating temperature limitations specified in the applicable airplane flight manual.

(l) Reactivation of the A/C System

If the A/C system is deactivated, as specified in paragraph (k) of this AD, prior to the A/C system being reactivated: Perform the inspection specified in paragraph (h) of this AD, and do the replacements specified in paragraph (i) of this AD, at the times specified in paragraph (i) of this AD. Return the A/C system to service by doing the actions specified in paragraph (l)(1) or (l)(2) of this AD, as applicable.

(1) For all airplanes except Model 650 airplanes: Push in the vapor cycle A/C circuit breaker labeled ''AIR COND,'' remove the placard by the A/C selection switch that states ''A/C DISABLED,'' and document reactivation of the system in the airplane logbook.

(2) For Model 650 airplanes: Push in the vapor cycle A/C circuit breaker labeled ''FWD EVAP FAN,'' remove the placard by the A/C selection switch that states ''A/C DISABLED,'' and document reactivation of the system in the airplane logbook.

(m) Parts Return and Reporting Requirements

For the first two A/C compressor motor brush replacement cycles on each airplane, send the removed brushes to Cessna Aircraft Company, Cessna Service Parts and

Programs, 7121 Southwest Boulevard, Wichita, KS 67215. Provide the brushes and the information specified in paragraphs (m)(1) through (m)(6) of this AD within 30 days after the replacement if the replacement was done on or after the effective date of this AD, or within 30 days after the effective date of this AD if the replacement was done before the effective date of this AD.

(1) The model and serial number of the airplane.

(2) The part number of the motor.

(3) The part number of the brushes, if known.

(4) The elapsed time, in motor hours, since the last brush/motor replacement, if known.

(5) If motor hours are unknown, report the elapsed airplane flight hours since the last brush/motor replacement, and indicate that motor hours are unknown.

(6) The number of motor hours currently displayed on the pallet hour meter, if installed.

(n) Parts Installation Limitation

As of the effective date of this AD, no person may install an A/C compressor motor having P/N FWA1134104–1 or P/N FWA1134104–5, unless the inspection specified in paragraph (h) of this AD is done before installation, and the replacements specified in paragraph (i) of this AD are subsequently done in accordance with the applicable service information identified in paragraphs (j)(1) through (j)(6) of this AD at the times specified in paragraph (i) of this AD.

(o) Special Flight Permit Limitation

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) with the following limitation: Operation of the A/C system is prohibited.

(p) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(q) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (r) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(r) Related Information

For more information about this AD, contact Craig Henrichsen, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE–119W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4110; fax: 316–946–4107; email: *Craig.Henrichsen@faa.gov.*

(s) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 6, dated June 23, 2014, of the Cessna Model 500/501 Maintenance Manual.

(ii) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 10, dated June 23, 2014, of the Cessna Model 550/551 Maintenance Manual.

(iii) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 12, dated June 23, 2014, of the Cessna Model 550 Bravo Maintenance Manual.

(iv) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 9, dated June 23, 2014, of the Cessna Model S550 Maintenance Manual.

(v) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 22, dated June 23, 2014, of the Cessna Model 560 Maintenance Manual.

(vi) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 32, dated June 23, 2014, of the Cessna Model 650 Maintenance Manual.

(3) For service information identified in this AD, contact Cessna Aircraft Co., P.O. Box 7706, Wichita, KS 67277; phone: 316–517–6215; fax: 316–517–5802; email: *citationpubs@cessna.textron.com;* Internet *https://www.cessnasupport.com/newlogin.html.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 10, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20692 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0242; Directorate Identifier 2014–NM–100–AD; Amendment 39–18240; AD 2015–17–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A300 B4–603, B4–605R, B4–620, B4–622, B4–622R airplanes; all Airbus Model A300 C4–605R Variant F airplanes; and certain Airbus Model A300 F4–605R airplanes. This AD was prompted by the manufacturer's review of all repairs accomplished using the structural repair manual. This review was done using revised fatigue and damage tolerance calculations. This AD requires an inspection of the surrounding panels of the left and right forward passenger doors, and corrective actions if necessary. We are issuing this AD to detect and correct previous incomplete or inadequate repairs to the surrounding panels of the left and right forward passenger doors and the fail-safe ring, which could negatively affect the structural integrity of the airplane.

DATES: This AD becomes effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 29, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0242* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0242.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 B4–603, B4–605R, B4–620, B4–622, B4–622R airplanes; all Airbus Model A300 C4–605R Variant F airplanes; and certain Airbus Model A300 F4–605R airplanes. The NPRM published in the **Federal Register** on February 18, 2015 (80 FR 8566).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0101, dated May 2, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 B4–603, B4–605R, B4–620, B4–622, B4–622R airplanes; all Airbus Model A300 C4–605R Variant F airplanes; and certain Airbus Model A300 F4–605R airplanes. The MCAI states:

> In the frame of the Ageing Airplane Safety Rule (AASR), all existing Structural Repair Manual (SRM) repairs were reviewed.
>
> This analysis, which consisted in new Fatigue and Damage Tolerance calculations, revealed that some repairs in the area surrounding the forward passenger/crew door and the fail safe ring are no longer adequate.
>
> These repairs, if not reworked, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A300–53–6173 (later revised), to provide instructions for the inspection of repairs on the left-hand (LH) and right-hand (RH) forward door surrounding panels.
>
> For the reasons described above, and further to the AASR implementation, this [EASA] AD requires a one-time inspection of the forward door surrounding panels to identify SRM repairs in these areas and, depending on findings, accomplishment of applicable corrective action(s).
>
> Corrective actions include rework or repair.
>
> You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0242-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 8566, February 18, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (80 FR 8566, February 18, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 8566, February 18, 2015).

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014. The service information describes procedures for a one-time detailed of the area surrounding the forward passenger/crew door and the fail safe ring to determine if any repairs have been done, and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 65 airplanes of U.S. registry.

We also estimate that it will take about 120 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $663,000, or $10,200 per product.

In addition, we estimate that any necessary follow-on actions will take up to 730 work-hours and require parts costing up to $72,250, for a cost of up to $134,300 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0242;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other

information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–17–07 Airbus: Amendment 39–18240. Docket No. FAA–2015–0242; Directorate Identifier 2014–NM–100–AD.

(a) Effective Date

This AD becomes effective September 29, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Model A300 B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes, all manufacturer serial numbers.

(2) Model A300 C4–605R Variant F airplanes, all manufacturer serial numbers.

(3) Model A300F4–605R airplanes, all manufacturer serial numbers, except those on which Airbus Modification 12699 was embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by the manufacturer's review of all repairs accomplished using the structural repair manual. This review was done using revised fatigue and damage tolerance calculations. We are issuing this AD to detect and correct previous incomplete or inadequate repairs to the surrounding panels of the left and right forward passenger doors and the fail-safe ring, which could negatively affect the structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection

At the time specified in paragraph (g)(1) or (g)(2) of this AD, whichever is later: Do a detailed inspection of the surrounding panels of the left and right forward passenger doors to determine if any repairs have been done, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014.

(1) Prior to the accumulation of 30,000 total flight cycles or 67,500 total flight hours, whichever occurs first.

(2) Within 28 months after the effective date of this AD.

(h) Identification of Repairs

If any affected repair is found during the inspection required by paragraph (g) of this AD: Before further flight, identify the reworked area(s), the percentage of the rework, and the limits of the rework, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014.

(i) Corrective Actions

During the repair identification required by paragraph (h) of this AD, if any rework is found that is outside the allowable damage limits specified in Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014: Before further flight, rework or repair, as applicable, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(j) Exception to Service Information Specifications

Although Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; EASA; or Airbus's EASA DOA.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–53–6173, dated August 1, 2013, which is not incorporated by reference in this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Required for Compliance (RC): Except as required by paragraph (j) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

*(3) Contacting the Manufacture*r: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0101, dated May 2, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0242-0002.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate,

1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 10, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20585 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0772; Directorate Identifier 2014–NM–090–AD; Amendment 39–18233; AD 2015–16–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–08–51 for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. AD 2011–08–51 required repetitive inspections of the lap joint at certain stringers along the entire length from certain body stations. This new AD expands the inspection area, requires additional inspections for cracks and open pockets, requires corrective actions if necessary, and revises the compliance times. This AD was prompted by an evaluation by the design approval holder (DAH) that has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the lower fastener holes in the lower skin of the fuselage lap splice, which could result in reduced structural integrity of the airplane.

DATES: This AD is effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 29, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA 2014–0772.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0772; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011). AD 2011–08–51 applied to certain The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on November 17, 2014 (79 FR 68381). The NPRM was prompted by an evaluation by the DAH that has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to WFD. The NPRM proposed to continue to require repetitive inspections of the lap joint at certain stringers along the entire length from certain body stations. The NPRM also proposed to expand the inspection area, require additional inspections for cracks and open pockets, require corrective actions if necessary, and revise the compliance times. We are issuing this AD to detect and correct fatigue cracking of the lower fastener holes in the lower skin of the fuselage lap splice, which could result in reduced structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 68381, November 17, 2014) and the FAA's response to each comment.

Request To Revise Wording

Boeing requested that we revise the last sentence in paragraph (k) of the proposed AD (79 FR 68381, November 17, 2014) to clarify that the on-condition actions may be ''inspection or repair'' rather than ''inspection and repair.'' Boeing stated that condition 10 in table 6 of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, describes obtaining inspection or repair instructions. Boeing explained that, depending on the configuration details identified, repetitive inspections alone may be an appropriate action, or a repair may be the appropriate action.

We agree with the commenter's request. Varying detail configurations and the total flight cycles at the time of the finding are used to determine if an inspection program is adequate to address the unsafe condition or if installation of a repair is required. We have revised the wording in paragraph (k) of this AD to require inspection or repair.

Request To Clarify Paragraph Heading

Southwest Airlines (SWA) stated that the heading ''Repetitive Inspections for Crack Indications at Stringers S–4R and S–4L, Body Station (BS) 360 to BS 908,'' of paragraph (g) of the proposed AD (79 FR 68381, November 17, 2014) is misleading. SWA explained that the heading is confusing since the paragraph contains both an initial inspection and repetitive inspections.

We agree to clarify the terminology used in the heading. When the term ''repetitive'' is used, it does not necessarily exclude the initial action. Many existing ADs use the term ''repetitive'' in the headers for paragraphs that contain both the initial action and repetitive actions. We find that no change to this AD is necessary regarding this issue.

Request To Add Clarifying Note

SWA requested that we add a note in paragraph (g) and paragraph (h) of the proposed AD (79 FR 68381, November 17, 2014) specifying that Group 3 airplanes do not require inspection between BS 540 and BS 727E. SWA stated that Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, specifies no inspections to be accomplished from BS 540 to BS 727E on Group 3 airplanes. SWA stated that, since paragraphs (g) and (h) of the proposed AD and tables 1, 2, and 3 of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, define the inspection area as stringers 4L and 4R from BS 360 to BS 908 for all airplanes, it could be interpreted that the proposed AD would require an increased inspection area for Group 3 airplanes.

We partially agree with the commenter's request. We disagree to add a note in paragraph (g) and paragraph (h) of this AD. The Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, are clear regarding which areas must be inspected. The **SUMMARY** section of this final rule does specify that the inspection area is increased. However, we have added ''as applicable'' to paragraphs (g) and paragraph (h) of this AD to provide clarification regarding the inspection area.

Request To Clarify Compliance Times

SWA requested that we revise paragraph (g) of the proposed AD (79 FR 68381, November 17, 2014) to clarify the compliance times. SWA recommended splitting the paragraph requirements into three separate paragraphs to address three different airplane groups. SWA stated that table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, does not account for airplanes that were inspected previously using either Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011. SWA stated that it is unclear how to apply the compliance times in table 1 for these airplanes, and as a result, airplanes with more than 30,000 total flight cycles that were not inspected previously using Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, will have exceeded the compliance times in table 1 upon the effective date of the AD.

SWA stated that since paragraph (n) of the proposed AD (79 FR 68381, November 17, 2014) provides credit for actions required by paragraph (g) of the proposed AD that were performed prior to the effective date of the AD using either Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011, SWA assumes that the intent of paragraph (g) of the proposed AD is for the operator to accomplish the first inspection in accordance with Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, within 500 cycles from the last inspection accomplished previously in accordance with either the Boeing Alert Service Bulletin, dated April 4, 2011, or Revision 1, dated April 8, 2011.

We do not agree with the commenter's request to revise paragraph (g) of this AD. However, we do agree to clarify the compliance times. For airplanes that were inspected previously using either Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011, the next inspection must be done within 500 cycles from the last inspection accomplished previously in accordance with either the Boeing Alert Service Bulletin, dated April 4, 2011, or Revision 1, dated April 8, 2011, except as provided by table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, provides optional inspections that may be used after inspections in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, have been accomplished.

For airplanes that were not inspected previously using either Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011, the initial inspection must be done within the applicable compliance times specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. We have not changed this AD in this regard.

Request To Clarify Inspection Requirements

SWA requested that we provide clarification regarding the applicability of table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, for accomplishing the repetitive inspections required by paragraph (g) of the proposed AD (79 FR 68381, November 17, 2014). SWA stated that the inspection intervals defined in table 2 are dependent on the total flight cycles of airplanes that meet condition 1 (no crack found), and that operators of airplanes that meet condition 2 (any crack found) should contact Boeing for repair instructions prior to further flight.

SWA stated that the alternative repetitive inspection intervals apply only to aircraft that meet condition 1 each time the aircraft is inspected. SWA explained that it is unclear whether or not the operator is able to continue utilizing the table 2 inspection intervals if condition 2 is found during any repetitive inspection on an airplane, or if the operator must revert back to the table 1 repetitive inspection interval from that point forward for that airplane.

We agree that clarification is necessary. Paragraph (l) of this AD requires a repair if any crack is found. Accomplishment of the repair terminates the repetitive inspections required by paragraphs (g) and (j) of this AD in the repaired area only. Repetitive inspections must be done on all unrepaired areas at the times specified in table 1 or table 2, as applicable. We find that no change to this AD is necessary regarding this issue.

Requests for Credit and Exception to Inspection Requirements

SWA requested that we include a provision in paragraph (n) of the proposed AD (79 FR 68381, November 17, 2014) to provide credit for the general visual inspection required by paragraph (k) of the proposed AD for skin panels that were replaced using the procedures specified in Figure 35 of Boeing Service Bulletin 737–53–1306, provided that the corrective action for Condition 9 is followed.

SWA also requested that we add an exception in paragraph (m) of the proposed AD (79 FR 68381, November 17, 2014) that allows the operator to omit the inspection required by paragraph (k) of the proposed AD if the corrective action for Condition 9 is followed and the operator's records show the part number of the skin assembly installed on the airplane.

To justify its requests, SWA stated that its airplanes, defined as Group 1 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, on which the crown skin panel replacement was accomplished as described previously in Figure 35 of Boeing Service Bulletin 737–53–1306, were inspected previously to determine if the existing skin assembly was an ''MPN 65C35798–1 (open pockets

adjacent to the STR 4R lap joint)'' or an ''MPN 65C35798–8 (closed pockets adjacent to the STR 4R lap joint).'' SWA stated that the existing skin panel was then replaced with a new skin panel of the same configuration as the removed production panel. SWA explained that if an operator's records show the part number of the skin panel assembly installed, the operator will be able to determine if the panel is configured with Condition 9 or Condition 10 and, therefore, SWA does not need to do the inspection required by paragraph (k) of the proposed AD.

We disagree with the commenter's requests. The fuselage crown skin replacements described in Boeing Service Bulletin 737–53–1306 are a part of a SWA-specific modification program. We do not consider it appropriate to include various provisions in an AD that are applicable only to a single operator's unique use of an affected airplane. However, an operator may request approval of an alternative method of compliance under the provisions of paragraph (o) of this AD if sufficient data are submitted to substantiate that the fuselage crown skin replacements would provide an acceptable level of safety. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 68381, November 17, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 68381, November 17, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Interim Action

We consider this AD interim action. An investigation is ongoing, and no terminating action has been developed. Once terminating action is developed, approved, and available, we might consider additional rulemaking.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. The service information describes procedures for inspections for crack indications at certain stringers, an inspection for open pockets of the lower skin panel at stringer S–4R, and repairs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 130 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections [actions retained from AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011)].	6 or 4,270 work-hours (depending on inspection method) × $85 per work-hour = $510 or $362,950 per inspection cycle.	None	$510 or $362,950 per inspection cycle.	$66,300 or $47,183,500 per inspection cycle.
Repetitive inspections [new action]	4 or 550 work-hours (depending on inspection method) × $85 per hour = $340 or $46,750 per inspection cycle.	None	$340 or $46,750 per inspection cycle.	$44,200 or $6,077,500 per inspection cycle.
One-time inspections [new action]	5,370 work-hours × $85 per hour = $456,450.	None	$456,450	$59,338,500.

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(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),

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), and adding the following new AD:

2015–16–08 The Boeing Company: Amendment 39–18233; Docket No. FAA–2014–0772; Directorate Identifier 2014–NM–090–AD.

(a) Effective Date

This AD is effective September 29, 2015.

(b) Affected ADs

This AD replaces AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011).

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 53: Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) that has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the lower fastener holes in the lower skin of the fuselage lap splice, which could result in reduced structural integrity of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Repetitive Inspections for Crack Indications at Stringers S–4R and S–4L, Body Station (BS) 360 to BS 908

At the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: Do an external eddy current inspection, or internal eddy current and detailed inspections, for crack indications at stringers S–4R and S–4L, from BS 360 to BS 908, as applicable, except as provided by paragraph (h) of this AD, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Repeat the inspection(s) thereafter at the applicable intervals specified in table 1 or table 2, as applicable, of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Either inspection option may be used at any repetitive inspection cycle.

(h) One-Time Inspections for Cracks at Stringers S–4L and S–4R, BS 360 to BS 908

At the applicable time specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD: Do one-time internal detailed and eddy current inspections for cracks at stringers S–4R and S–4L, from BS 360 to BS 908, as applicable, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Accomplishment of the inspections required by this paragraph does not terminate the repetitive inspections required by paragraph (g) of this AD.

(i) One-Time Inspections for Cracks at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 2, 3, 5, and 7 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do one-time internal detailed and eddy current inspections for cracks at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014.

(j) Repetitive Inspections for Cracks at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 2, 3, 5, and 7 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do external eddy current inspections, or internal eddy current and detailed inspections, for cracks at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Repeat the inspection(s) thereafter at the applicable intervals specified in table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Either inspection option may be used at any repetitive inspection cycle.

(k) General Visual Inspection for Open Pockets at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 1, 4, and 6 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in table 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do a general visual inspection for open pockets of the lower skin panel at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 5 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. If any open pocket is found, before further flight, inspect or repair using a method approved in accordance with the procedures specified in paragraph (o) of this AD.

(l) Corrective Action

If any crack is found during any inspection required by this AD: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (o) of this AD. Accomplishment of repairs approved in accordance with the procedures specified in paragraph (o) of this AD terminates the repetitive inspections specified in paragraphs (g) and (j) of this AD in the repaired areas only.

(m) Service Information Exception

Where Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011; or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011. Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, was incorporated by reference in AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011). Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, is not incorporated by reference in this AD.

(o) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (p)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (l) of this AD.

(p) Related Information

(1) For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov*.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (q)(4) and (q)(5) of this AD.

(q) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on September 29, 2015.

(i) Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014.

(ii) Reserved.

(4) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*.

(5) You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(6) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html*.

Issued in Renton, Washington, on August 7, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20372 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0673; Directorate Identifier 2014–SW–034–AD; Amendment 39–18244; AD 2015–17–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters. This AD requires inspecting the swashplate assembly rotating star to determine whether a ferrule was installed. If a ferrule exists, this AD requires inspecting the rotating star for a crack and removing any cracked rotating star. This AD was prompted by a report that reconditioning the rotating swashplate per a certain repair procedure could result in the rotating star cracking. The actions of this AD are intended to detect a crack in the rotating star and prevent failure of the rotating star and subsequent loss of control of the helicopter.

DATES: This AD is effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of September 29, 2015.

ADDRESSES: For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, Texas 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email: *robert.grant@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On March 27, 2015, at 80 FR 16325, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters with a swashplate assembly with rotating star, part number (P/N) 350A371003–04, 350A371003–05, 350A371003–06, 350A371003–07, or 350A371003–08. The NPRM proposed to require inspecting the swashplate assembly rotating star to determine whether a ferrule was installed. If a ferrule exists, this proposed AD would require inspecting the rotating star for a crack and removing any cracked rotating star. The proposed requirements were intended to detect a crack in the rotating star and prevent failure of the rotating star and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2014–0132R1, dated June 2, 2014, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA AD No. 2014–0132R1 corrects an unsafe condition for Airbus Helicopters (previously Eurocopter France) Model AS 350 B, BA, BB, B1, B2, B3, D, AS 355 E, F, F1, F2, N, NP, EC 130 B4, and T2 helicopters if equipped with a swashplate assembly with a rotating star, P/N 350A371003–04, P/N 350A371003–05, P/N 350A371003–06, P/N 350A371003–07, or P/N 350A371003–08. EASA advises that during a repair of a helicopter, it was discovered that rotating swashplates reconditioned in accordance with a certain repair procedure could experience a high stress level. This condition, if not corrected, could affect the service life of the part. To address this unsafe condition, EASA AD No. 2014–0132R1 requires repetitive inspections and replacement of the rotating star.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (80 FR 16325, March 27, 2015).

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its

technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires reporting inspection findings to Airbus Helicopters. This AD makes no such requirement. The EASA AD does not apply to Airbus Helicopters Model AS350C and AS350D1 helicopters, whereas this AD applies to those models. The EASA AD applies to Model AS350BB helicopters, and this AD does not because that model is not type certificated in the United States. The EASA AD requires replacing the rotating star, unless already accomplished, by December 31, 2014, while we require replacing the rotating star within 160 hours time-in-service, unless already accomplished.

This AD also prohibits installing a rotating star with a ferrule, and the EASA AD does not.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. EC130 62A010 for Model EC130B4 and EC130T2 helicopters; ASB No. AS355 62.00.33 for Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and ASB No. AS350 62.00.34 for Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, and military version AS350L1 helicopters; all Revision 0 and all dated April 28, 2014.

The ASBs report that a certain repair sheet instruction, which requires reconditioning the rotating swashplate by machining and adding a steel ferrule to accommodate a swashplate bearing, potentially affects the service life limit specified in the airworthiness limitations section. The ASBs provide procedures for inspecting the swashplate assembly's rotating star for a ferrule and if a ferrule exists, inspecting for a crack. The ASBs call for replacing the rotating star before further flight if a crack exists, and before December 31, 2014, if a ferrule is present and there are no cracks. If there is no ferrule, the ASBs require no additional action.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 1,132 helicopters of U.S. Registry and that labor costs average $85 a work hour. Based on these estimates, we expect the following costs:

- Visually inspecting the swashplate assembly requires 0.25 work-hour for a labor cost of about $21 per inspection. No parts are needed for a total cost of about $21 per inspection per helicopter, or about $23,772 for the U.S. fleet.
- Dye-penetrant inspecting the rotating star requires 1 work-hour for a labor cost of about $85 per helicopter. No parts are needed for a total cost of $85 per inspection helicopter and $96,220 for the U.S. fleet.
- Replacing the rotating star, ferrule, and associated parts requires 16 work hours, and parts cost $8,354, for a total cost of $9,714 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

(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);

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–17–11 Airbus Helicopters: Amendment 39–18244; Docket No. FAA–2015–0673; Directorate Identifier 2014–SW–034–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3,AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters with a swashplate assembly with rotating star, part number (P/N) 350A371003–04, 350A371003–05, 350A371003–06, 350A371003–07, or 350A371003–08, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a rotating star in a main rotor blade (M/R) swashplate assembly. This condition could result in loss of the M/R pitch control and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective September 29, 2015.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 165 hours time-in-service (TIS), visually inspect the swashplate assembly to determine whether a ferrule is installed on the rotating star. If the ferrule is not visible, use a magnetic retriever positioned in Area (X) as shown in the pictures under paragraph 3.B.2.b., Accomplishment Instructions, of Airbus Helicopters Alert Service Bulletin (ASB) No. EC130 62A010, ASB No. AS350 62.00.34, or ASB No. AS355 62.00.33, all Revision 0, and all dated April 28, 2014, whichever is applicable to your helicopter, to determine whether the ferrule is installed. The magnetic retriever will be magnetized if a ferrule is installed.

(2) If a ferrule is not installed, no further action is needed.

(3) If a ferrule is installed on the rotating star, before further flight, dye-penetrant inspect the rotating star for a crack in areas ''Z'' depicted in Figure 1 of Airbus Helicopters ASB No. EC130 62A010, ASB No. AS350 62.00.34, or ASB No. AS355 62.00.33, all Revision 0, and all dated April 28, 2014, as applicable to your model helicopter.

(i) If the rotating star has a crack, before further flight, remove from service the rotating star; ferrule; and the screws, washers and nuts used to attach the pitch change rods, compass, and the rotating star deflector.

(ii) If the rotating star does not have a crack, within 160 hours TIS, remove from service the rotating star; ferrule; and the screws, washers and nuts used to attach the pitch change rods, compass, and the rotating star deflector.

(4) Do not install a rotating star P/N 350A371003–04, 350A371003–05, 350A371003–06, 350A371003–07, or 350A371003–08 with a ferrule.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email *asw-ftw-amoc@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD No. 2014–0132R1, dated June 2, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–0673.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Airbus Helicopters Alert Service Bulletin (ASB) No. EC130 62A010, Revision 0, dated April 28, 2014.

(ii) Airbus Helicopters ASB No. AS350 62.00.34, Revision 0, dated April 28, 2014.

(iii) Airbus Helicopters ASB No. AS355 62.00.33, Revision 0, dated April 28, 2014.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, Texas 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on August 13, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–20587 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2047; Directorate Identifier 2015–CE–013–AD; Amendment 39–18243; AD 2015–17–10]

RIN 2120–AA64

Airworthiness Directives; SOCATA Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–04–13 for certain SOCATA Model TBM 700 airplaness (type certificate previously held by EADS SOCATA). This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks found on the main landing gear cylinders. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of March 23, 2007 (72 FR 7576, February 16, 2007).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2047; or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA North America, North Perry Airport, 7501 S Airport Rd., Pembroke Pines, Florida 33023, telephone: (954) 893–1400; fax: (954) 964–4141; Internet: *http://www.socata.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2015–2047.

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to make changes to an NPRM (80 FR 8821, February 19, 2015), which would amend 14 CFR part 39 to add an AD that would apply to certain SOCATA Model TBM 700 airplaness (type certificate previously held by EADS SOCATA). That SNPRM was published in the **Federal Register** on June 11, 2015 (80 FR 33208), and proposed to supersede

AD 2007–04–13, Amendment 39–14945, (72 FR 7576, February 16, 2007) (''AD 2007–04–13'').

Since we issued AD 2007–04–13, it has been determined that the time between repetitive inspections should be extended and an optional terminating action for the repetitive inspections is now available.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2006–0085R2, dated January 16, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Cracks on several main landing gear (MLG) cylinders have been reported in service.

This condition, if not to detected and corrected, could lead to fatigue cracks in the shock strut cylinder of the MLG, which could result in a collapsed MLG during take-off or landing runs, and possibly reduce the structural integrity of the aeroplane.

To address this unsafe condition, EASA issued AD 2006–0085 to require repetitive special detailed inspections (SDI) for cracks of the MLG shock strut cylinder and, depending on findings, relevant investigative and corrective actions.

After that AD was issued, SOCATA performed an analysis to demonstrate that the inspection interval could be extended, and developed a reinforced MLG less prone to fatigue, which is embodied in production through SOCATA modification (MOD) 70–0190–32 and can be introduced in service through SOCATA Service Bulletin (SB) 70–130–32 at Revision 03.

Prompted by these developments, EASA issued AD 2006–0085R1 to increase the inspection interval and to introduce the installation of a reinforced MLG on the right hand (RH) side and left hand (LH) side as an optional terminating action for the repetitive SDI required by this AD.

Since that AD was issued, it was found that aeroplanes MSN 639 to 683 (inclusive) are not affected by this AD. The applicability has therefore been revised to remove those MSN.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2015-2047-0002.*

In addition, we have determined that airplanes with MLG with forging body that had not reached 1,750 landings as of March 23, 2007 (the effective date of AD 2007–04–13) were not affected by the AD. This is not the intent and allows airplanes to fly indefinitely with the unsafe condition. This AD includes those airplanes with MLG with forging body either at or under 1,750 landings as of March 23, 2007, and extends the time between the repetitive inspections until a reinforced landing gear is installed, which terminates the repetitive inspections.

Comments

We gave the public the opportunity to participate in developing this AD. We received one supportive comment to the NPRM (80 FR 8821, February 19, 2015) and no comments on the SNPRM (80 FR 33208, June 11, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM (80 FR 33208, June 11, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM (80 FR 33208, June 11, 2015).

Related Service Information Under 1 CFR Part 51

EADS SOCATA has issued TBM Aircraft Mandatory Service Bulletin SB 70–130, ATA No. 32, dated January 2006, and SOCATA has issued DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, incorporates procedures for replacing cracked MLG with a reinforced MLG as a terminating action for the repetitive inspections. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD will affect 431 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $109,905, or $255 per product.

In addition, we estimate that any necessary follow-on actions will take about 4 work-hours and require parts costing $6,000, for a cost of $6,340 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2047; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the SNPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–14945 (72 FR 7576, February 16, 2007), and adding the following new AD:

2015–17–10 SOCATA (type certificate previously held by EADS SOCATA): Amendment 39–18243; Docket No. FAA–2015–2047; Directorate Identifier 2015–CE–013–AD.

(a) Effective Date

This AD becomes effective September 29, 2015.

(b) Affected ADs

This AD supersedes AD 2007–04–13, Amendment 39–14945, (72 FR 7576, February 16, 2007) (''AD 2007–04–13'').

(c) Applicability

This AD applies to SOCATA Model TBM 700 airplanes, serial numbers 1 through 638 and 687, that:

(1) are not equipped with a left-hand main landing gear (MLG) body part number (P/N) D68161 or D68161–1 and a right-hand MLG body P/N D68162 or D68162–1; and

(2) are certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing gear.

(e) Reason

This AD was prompted from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks found on the main landing gear cylinders. In addition, the FAA determined that airplanes with MLG with forging body that had not reached 1,750 landings as of March 23, 2007 (the effective date of AD 2007–04–13) were not affected by AD 2007–04–13. This is not the intent and allows airplanes to fly indefinitely with the unsafe condition. This AD increases the scope of the affected airplanes by including those airplanes with MLG with forging body either at or under 1,750 landings as of March 23, 2007, increases the time between the repetitive inspections, and incorporates a modification to terminate the required repetitive inspections. We are issuing this AD to detect and correct cracks in the shock strut cylinder of the MLG, which could cause the MLG to fail. Failure of the shock strut cylinder of the MLG could result in a collapsed MLG during takeoff or landing and possible reduced structural integrity of the airplane.

(f) Actions and Compliance for Airplanes Not Previously Affected by AD 2007–04–13

Unless already done, do the actions in paragraphs (f)(1), (f)(2), and (h) of this AD:

(1) For MLG with forging body that were either at or under 1,750 landings as of March 23, 2007 (the effective date of (AD 2007–04–13): Upon or before accumulating 1,750 landings on the MLG with forging body since new or within the next 100 landings after September 29, 2015 (the effective date of this AD), whichever occurs later, inspect the forging body for cracks. Do the inspection following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(2) If no cracks are detected during the inspection required in paragraph (f)(1) of this AD, repetitively thereafter inspect at intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(g) Actions and Compliance for Airplanes Previously Affected by AD 2007–04–13

Unless already done, do the actions in paragraphs (g)(1), (g)(2), and (h) of this AD, including all subparagraphs:

(1) As of March 23, 2007 (the effective date retained from AD 2007–04–13), for MLG with forging body totaling more than 1,750 landings but less than 3,501 landings since new:

(i) Inspect the forging body for cracks within 100 landings after March 23, 2007 (the effective date retained from AD 2007–04–13), following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(ii) If no cracks are detected during the inspection required in paragraph (g)(1)(i) of this AD, repetitively thereafter inspect at intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(2) As of March 23, 2007 (the effective date retained from AD 2007–04–13), for MLG with forging body totaling more than 3,500 landings since new:

(i) Inspect the forging body for cracks within 25 landings after March 23, 2007 (the effective date retained from AD 2007–04–13), following the Accomplishment Instructions of EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006, or DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(ii) If no cracks are detected during the inspection required in paragraph (g)(2)(i) of this AD, repetitively thereafter inspect at intervals not to exceed 240 landings until a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014, is installed.

(h) Actions and Compliance for All Affected Airplanes

If any cracks are detected during any inspection required in paragraphs (f)(1) through (g)(2) of this AD, including all subparagraphs:

(1) Before further flight, remove the affected landing gear leg and confirm the presence of the crack with dye penetrant inspection or fluorescent penetrant inspection.

(2) If the crack is confirmed, before further flight, contact SOCATA at the address in paragraph (l)(5) of this AD to coordinate the FAA-approved landing gear repair/replacement and implement any FAA-approved repair/replacement instructions obtained from SOCATA, or replace the cracked landing gear with a reinforced landing gear specified in paragraph E. Terminating Solution of the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014. This replacement terminates the repetitive inspections required by this AD.

(i) Calculating Unknown Number of Landings for Compliance

The compliance times of this AD are presented in landings instead of hours time-in-service (TIS). If the number of landings is unknown, hours TIS may be used by dividing the number of hours TIS by 1.35.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(k) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2006–0085R2, dated January 16, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-2047-0002.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on September 29, 2015.

(i) DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, Revision 3, dated December 2014.

(ii) Reserved.

(4) The following service information was approved for IBR on March 23, 2007 (72 FR 7576, February 16, 2007).

(i) EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–130, dated January 2006.

(ii) Reserved.

(5) For SOCATA service information identified in this AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA North America, North Perry Airport, 7501 S Airport Rd., Pembroke Pines, Florida 33023, telephone: (954) 893–1400; fax: (954) 964–4141; Internet: *http://www.socata.com.*

(6) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2047.

(7) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on August 14, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20588 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1050; Directorate Identifier 2014–NM–123–AD; Amendment 39–18241; AD 2015–17–08]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by an in-service report of an uncommanded and unannunciated nose wheel steering during airplane pushback from the gate. This AD requires installing new cable assemblies with a pull-down resistor. We are issuing this AD to prevent an uncommanded nose wheel steering during takeoff or landing in the event of an open circuit in the steering system, and possible consequent runway excursion.

DATES: This AD becomes effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 29, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-1050* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–1050.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7301; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on January 23, 2015 (80 FR 3504).

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–38, dated November 28, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model DHC–8–400, –401, and –402 series airplanes. The MCAI states:

> There has been one in-service report of an un-commanded and un-annunciated nose wheel steering during aeroplane push-back from the gate. The investigation revealed that a design deficiency exists within the steering control unit (SCU) where an open circuit may not be adequately detected and annunciated to the flight crew. A sustained open circuit could result in an un-commanded and un-annunciated nose wheel steering input.
>
> Un-commanded nose wheel steering during takeoff or landing may lead to a runway excursion.
>
> This [Canadian] AD mandates the installation of new cable assemblies, with a pull-down resistor, to ensure that the nose wheel steering system reverts to fail-safe free castor mode in the event of an open circuit in the steering system.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-1050-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (80 FR 3504, January 23, 2015) and the FAA's response to each comment.

Request To Remove Certain Service Information Procedures

Horizon Air requested that we amend paragraph (g) of the proposed AD (80 FR 3504, January 23, 2015) to exclude Part A, ''Job Set-up,'' and Part C ''Close Out,'' sections of the Accomplishment Instructions in Bombardier Service

Bulletin 84–32–122, Revision A, dated August 28, 2013 Horizon Air stated that Part A, ''Job Set-up,'' and Part C, ''Close Out,'' do not directly correct the unsafe condition. Horizon Air explained that requiring operators to perform the actions in these sections in a specific manner restricts the operator's ability to perform other maintenance in conjunction with performing the corrective action.

We agree with the commenter's request to exclude the ''Job Set-up'' and ''Close Out'' sections of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–122, Revision A, dated August 28, 2013. We have revised paragraph (g) of this AD to require accomplishment of only paragraph B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–122, Revision A, dated October 4, 2013.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the change described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (80 FR 3504, January 23, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 3504, January 23, 2015).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued Service Bulletin 84–32–122, Revision A, dated October 4, 2013. This service information describes procedures for incorporating Bombardier Modification Summary (Modsum) 4–126585 to install new cable assemblies with a pull-down resistor to the pilot hand control and rudder pedal potentiometer of the nose wheel steering control unit. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 81 airplanes of U.S. registry.

We also estimate that it will take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $2,541 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $247,131, or $3,051 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-1050;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–17–08 Bombardier, Inc.: Amendment 39–18241. Docket No. FAA–2014–1050; Directorate Identifier 2014–NM–123–AD.

(a) Effective Date

This AD becomes effective September 29, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and–402 series airplanes, certificated in any category, serial numbers 4001 through 4448 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by an in-service report of an uncommanded and unannunciated nose wheel steering during airplane pushback from the gate. We are issuing this AD to prevent an uncommanded nose wheel steering during takeoff or landing in the event of an open circuit in the steering system, and possible consequent runway excursion.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Incorporate Bombardier Modification Summary (Modsum) 4–126585

Within 2,000 flight cycles or 12 months after the effective date of this AD, whichever occurs first: Incorporate Bombardier Modsum 4–126585 to install new cable assemblies, with a pull-down resistor, in accordance with paragraph B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–122, Revision A, dated October 4, 2013.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–32–122, dated August 28, 2013. This service information is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the New York ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or the Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s, TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–38, dated November 28, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-1050.*

(2) Service information identified in this AD that is not incorporated by reference may be obtained at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 84–32–122, Revision A, dated October 4, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 10, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20584 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0676; Directorate Identifier 2014–NM–164–AD; Amendment 39–18238; AD 2015–17–05]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by a report of several events where pilots experienced difficulty in lateral control of the airplane after doing a climb through heavy rain conditions and a determination that the cause was water ingress in the aileron control pulley assembly. This AD requires, for certain airplanes, inspecting for correct clearance and rework if necessary, and, for certain other airplanes, installing a cover for the aileron pulley assembly. We are issuing this AD to prevent water ingress in the aileron control pulley assembly, which could freeze in cold conditions and result in reduced control of the airplane.

DATES: This AD becomes effective September 29, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 29, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0676* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0676.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7303; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on March 30, 2015 (80 FR 16608).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–23, dated July 18, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI states:

> There have been several reports whereby pilots have experienced difficulty in lateral control following climb through heavy rain conditions. In each event, the pilots were able to overcome this difficulty without disconnecting the aileron control. An investigation has determined that the root cause of the restricted movement of the aileron was due to water ingress into the wing root aileron control pulley assembly through a gap on the wing-to-fuselage fairing resulting in freezing of the aileron control system.

If not corrected, this condition could result in reduced lateral control of the aeroplane.

This [Canadian] AD mandates [for certain airplanes] the incorporation of a cover for the aileron pulley assembly [and inspection and rework if necessary] to prevent water ingress in the aileron control pulley assembly [and for certain other airplanes, mandates an inspection and rework if necessary].

The inspection involves doing a general visual inspection for correct clearance. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0676-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 16608, March 30, 2015) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (80 FR 16608, March 30, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 16608, March 30, 2015).

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information:

- Service Bulletin 700–1A11–27–034, Revision 04, dated September 4, 2014;
- Service Bulletin 700–27–076, Revision 04, dated September 4, 2014;
- Service Bulletin 700–27–5004, Revision 04, dated September 4, 2014; and
- Service Bulletin 700–27–6004, Revision 04, dated September 4, 2014.

This service information describes procedures, for certain airplanes, for installing a cover for the No. 1 aileron pulley, including an inspection for correct clearance and rework, and for certain other airplanes, for an inspection for correct clearance and rework. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 60 airplanes of U.S. registry.

We also estimate that it will take about 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $45,900, or $765 per product.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2015-0676;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–17–05 Bombardier, Inc.: Amendment 39–18238. Docket No. FAA–2015–0676; Directorate Identifier 2014–NM–164–AD.

(a) Effective Date

This AD becomes effective September 29, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, having serial numbers 9002 through 9520 inclusive and 9998.

(d) Subject

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

(e) Reason

This AD was prompted by a report of several events where pilots experienced difficulty in lateral control of the airplane after doing a climb through heavy rain conditions and a determination that the cause was water ingress in the aileron control pulley assembly. We are issuing this AD to prevent water ingress in the aileron control pulley assembly, which could freeze in cold conditions and result in reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Installation of Cover for the Aileron Pulley Assembly

Except as provided by paragraph (j) of this AD, for airplanes on which a cover for the No. 1 aileron pulley has not been installed as of the effective date of this AD: Within 150 flight cycles after the effective date of this AD, install a cover for the No. 1 aileron pulley, including doing a general visual inspection for correct clearance and rework as applicable, in accordance with paragraph C., ''PART B—Modification,'' of the Accomplishment Instructions of the applicable service bulletins identified in paragraphs (g)(1) and (g)(2) for this AD.

(1) For Model BD–700–1A10 airplanes: Bombardier Service Bulletin 700–27–076, Revision 04, dated September 4, 2014; or 700–27–6004, Revision 04, dated September 4, 2014.

(2) For Model BD–700–1A11 airplanes: Bombardier Service Bulletin 700–1A11–27–034, Revision 04, dated September 4, 2014; or 700–27–5004, Revision 04, dated September 4, 2014.

(h) Inspection and Rework

Except as provided by paragraph (j) of this AD, for airplanes on which a cover for the No. 1 aileron pulley has been incorporated using the applicable service information identified in paragraphs (h)(1) and (h)(2) of this AD as of the effective date of this AD: Within 150 flight cycles after the effective date of this AD, do a general visual inspection for correct clearance and, before further flight, rework, as applicable, in accordance with paragraph B., ''PART A—Inspection and Rework,'' of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For Model BD–700–1A10 airplanes: Bombardier Service Bulletin 700–27–076, dated March 5, 2012; or 700–27–6004, dated March 5, 2012.

(2) For Model BD–700–1A11 airplanes: Bombardier Service Bulletin 700–1A11–27–034, dated March 5, 2012; or 700–27–5004, dated March 5, 2012.

(i) Re-Identification of Overwing Panels

Except as provided by paragraph (j) of this AD, for airplanes on which the Service Non-Incorporated Engineering Orders (SNIEO) or Service Requests for Product Support Action (SRPSA) that are listed in table 2 of paragraph 1.A., ''Effectivity,'' in the applicable service information identified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD have been incorporated: Within 150 flight cycles from the effective date of this AD, do the re-identification of the overwing panels, in accordance with paragraph 2.B(2)(g) of the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) Bombardier Service Bulletin 700–27–076, Revision 04, dated September 4, 2014.

(2) Bombardier Service Bulletin 700–27–6004, Revision 04, dated September 4, 2014.

(3) Bombardier Service Bulletin 700–1A11–27–034, Revision 04, dated September 4, 2014.

(j) Exception to the Requirements of Paragraphs (g), (h), and (i) of This AD

Airplanes on which the applicable SRPSA, as identified in table 1 of paragraph 1.A., ''Effectivity,'' in the applicable service information identified in paragraph (j)(1), (j)(2), or (j)(3) of this AD has been accomplished as of the effective date of this AD, meet the intent of paragraphs (g), (h), and (i) of this AD, and no further action is required.

(1) Bombardier Service Bulletin 700–27–076, Revision 04, dated September 4, 2014.

(2) Bombardier Service Bulletin 700–27–6004, Revision 04, dated September 4, 2014.

(3) Bombardier Service Bulletin 700–1A11–27–034, Revision 04, dated September 4, 2014.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service information identified in paragraphs (k)(1) through (k)(8) of this AD, which are not incorporated by reference in this AD.

(1) Bombardier Service Bulletin 700–1A11–27–034, Revision 01, dated July 16, 2012.

(2) Bombardier Service Bulletin 700–1A11–27–034, Revision 02, dated June 17, 2014.

(3) Bombardier Service Bulletin 700–27–076, Revision 01, dated July 16, 2012.

(4) Bombardier Service Bulletin 700–27–076, Revision 02, dated June 17, 2014.

(5) Bombardier Service Bulletin 700–27–5004, Revision 01, dated July 16, 2012.

(6) Bombardier Service Bulletin 700–27–5004, Revision 02, dated June 17, 2014.

(7) Bombardier Service Bulletin 700–27–6004, Revision 01, dated July 16, 2012.

(8) Bombardier Service Bulletin 700–27–6004, Revision 02, dated June 17, 2014.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–23, dated July 18, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2015-0676-0002.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 700–1A11–27–034, Revision 04, dated September 4, 2014.

(ii) Bombardier Service Bulletin 700–27–076, Revision 04, dated September 4, 2014.

(iii) Bombardier Service Bulletin 700–27–5004, Revision 04, dated September 4, 2014.

(iv) Bombardier Service Bulletin 700–27–6004, Revision 04, dated September 4, 2014.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 10, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20581 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice: 9230]

RIN 1400–AD47

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim final rule published in the **Federal Register** on August 28, 2014. Specifically, the rule implemented changes to the Schedule of Fees for Consular Services (''Schedule'') for a number of different fees. This rulemaking addresses public comments and adopts as final the changes to these fees.

DATES: The Effective date of the final rule published in the **Federal Register** of August 28, 2014 (79 FR 51247) is confirmed effective September 6, 2014.

FOR FURTHER INFORMATION CONTACT: Jill Warning, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202–485–6683, telefax: 202–485–6826; email: *fees@state.gov.*

SUPPLEMENTARY INFORMATION: For the complete explanation of the background of this rule, including the rationale for the change, the authority of the Department of State (''Department'') to make the fee changes in question, and an explanation of the study that produced the fee amounts, consult the prior public notices cited in the ''Background'' section below.

Background

The Department published an interim final rule in the **Federal Register**, 79 FR 51247, on August 28, 2014, amending sections of 22 CFR part 22. Specifically, the rule amended the Schedule of Fees for Consular Services and provided 60 days for comments from the public. During this 60-day comment period, more than 70 comments were received, either by mail, email, or through the submission process at *www.regulations.gov.*

This rule establishes the following fees for the categories below:

—Administrative Processing of Formal Renunciation of U.S. Citizenship from $450 to $2,350
—E Category Nonimmigrant Visas from $270 to $205
—K Category Nonimmigrant Visas from $240 to $265
—Immigrant Visa Application Processing Fees (per person)
○ Immediate relative and family preference applications from $230 to $325
○ Employment-based applications from $405 to $345
○ Other immigrant visa applications (including I–360 self-petitioners and special immigrant visa applicants) from $220 to $205
—Affidavit of Support Review from $88 to $120
—Special Visa Services
○ Determining Returning Resident Status from $275 to $180
○ Waiver of Two-Year Residency Requirement from $215 to $120
—Consular Time Charges from $231 to $135

The fee change for the reduced Border Crossing Card fee for Mexican citizens under age 15 whose parent or guardian has or is applying for a Border Crossing Card is not included in this final rule. This fee was included in the interim final rule published in August 2014, and raised from $15 to $16. The same month, Congress ordered this fee to be increased by $1 pursuant to Section 2 of Public Law 113–160. This additional increase was implemented in a final rule published on December 31, 2014, which raised this fee from $16 to $17. See 79 FR 79064. Therefore, this fee is not included in this final rule.

The original publication of the interim final rule included an incorrect effective date of September 6, 2014, for the above changes in fees. That date was subsequently corrected, but the correction contained an error (erroneously stating ''September 12, 2104''). *See* 79 FR 52197. The correct effective date is reflected herein; it is September 12, 2014.

Analysis of Comments

In the 60-day period since the publication of the interim final rule, more than 70 comments were received.

The large majority of the comments received expressed concern about the increased fee for the Administrative Processing of Formal Renunciation of U.S. Citizenship.

Most commenters requested to pay a lower fee for the renunciation service, suggesting that they be grandfathered in to the previous fee of $450. The majority of these commenters had initiated the process of renouncing their nationality prior to the announcement of the new fee.[1] Over half of commenters requested to pay the previous fee after the new fee went into effect, five commenters asked for earlier appointments in order to pay the previous fee, and one commenter requested a refund for the difference between the new fee and the previous fee. Several commenters characterized the 15-day notice of the fee change as unfair and suggested that they should have been notified earlier if the fee was likely to change.

The Department's policy for citizenship-related services, including the Administrative Processing of Formal Renunciation of U.S. Citizenship, is to collect the fee in effect at the time that the service is provided. Although the renunciation process involves multiple steps, the service is rendered when the oath to renounce one's nationality is sworn. U.S. nationals who intend to renounce their nationality and have a meeting or information session with the consular post for that purpose, but who change their minds and do not take the oath, are *not* charged the fee. In the interest of fairness, the Department must assess the renunciation fee when the core service is performed, rather than upon the provision of information. Therefore, the Department does not offer a lower fee or refunds for those who receive the renunciation service after the new fee went into effect on September 12, 2014. Furthermore, embassies and consulates do not have authority to waive the fee, reduce the fee, or provide a refund where the fee is properly collected. In addition, although one commenter contended that the rule-making process was ''truncated,'' the interim final rule was published pursuant to the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The Department deemed that delaying implementation would be contrary to the public interest because several fees included in this rulemaking pay for consular services that are critical to national security. Rules that are exempt from notice and comment are often effective immediately upon publication, so the 15-day notice in this case was more notice than is often provided in such instances.

More than one-third of the comments suggested that the increased fee to process renunciations is a burden. These commenters asserted that the new fee is too costly. Some expressed concern about their own ability to afford the higher fee, pointing to personal

[1] Section 101(a)(22) of the Immigration and Nationality Act (INA) states that ''the term 'national of the United States' means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.'' Therefore, U.S. citizens are also U.S. nationals. Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481) governs how a U.S. national shall lose U.S. nationality. Therefore, the terms ''national'' and ''nationality'' are used throughout this rule except for references to specific instances of ''citizen'' or ''citizenship.''

circumstances including low income, student status, and senior citizen status. In addition, a few of these commenters asserted that nationality renunciation is a constitutional or human right. They stated that the increased fee acts as a deterrent to renouncing one's nationality, thereby violating the right to expatriate, and suggested that the renunciation service should be offered at no or low cost. Specifically, two commenters cited the Expatriation Act of 1868 and Universal Declaration of Human Rights, both of which address the right of expatriation.

In raising the fee to process renunciations, the Department has not restricted or burdened the right of expatriation. Further, the fee is not punitive, and is unrelated to the IRS tax legislation criticized in some comments, except to the extent that the legislation caused an increase in consular workload that must be paid for by user fees. *Rather, the fee is a cost-based user fee for consular services.* Conforming to guidance from the Office of Management and Budget (OMB), federal agencies make every effort to ensure that each service provided to specific recipients is self-sustaining, charging fees that are sufficient to recover the full cost to the government. (*See* OMB Circular A–25, ¶ 6(a)(1), (a)(2)(a).) Because costs change from year to year, the Department conducts an annual update of the Cost of Service Model (CoSM) to obtain the most accurate calculation of the costs of providing consular services. In addition to enabling the government to recover costs, the study also helps the Department to avoid charging consumers more than the cost of the services they consume. In sum, the increased fee for processing renunciations is a ''user charge,'' which reflects the full cost to the U.S. government of providing the service.

On a per-service basis, renunciation is among the most time-consuming of all consular services. In the past, however, the Department charged less than the full cost of the renunciation service. The total number of renunciations was previously small and constituted a minor demand on the Department's resources. Consequently, it was difficult to assess accurately the cost of the service. In contrast, in recent years, the number of people requesting the renunciation service has risen dramatically, driven in part by tax legislation affecting U.S. taxpayers abroad, including the Foreign Account Tax Compliance Act (FATCA), materially increasing the resources devoted to providing the service. At one post alone, renunciations rose from under 100 in 2009 to more than 1,100 in the first ten months of 2014. Finally, improvements to the CoSM made the cost of the renunciation service more apparent. For all these reasons, the Department decided to raise the fee to reflect the full cost of the service.

The Department has closely examined comments regarding the right of expatriation, which is addressed in the Immigration and Nationality Act and the Universal Declaration of Human Rights. The increased fee, however, does not impinge on the right of expatriation. Rather, the increased fee reflects the amount of resources necessary for the U.S. government to verify that all constitutional and other requirements for expatriation are satisfied in every case. As described in detail below, the process of expatriation for a U.S. national requires a thorough, serious, time-consuming process, in view of U.S. Supreme Court jurisprudence that declared unconstitutional an involuntary or forcible expatriation. In *Afroyim* v. *Rusk*, 387 U.S. 253 (1967) and *Vance* v. *Terrazas*, 444 U.S. 252 (1980), the Supreme Court ruled that expatriation requires the voluntary commission of an expatriating act with the intention or assent of the citizen to relinquish citizenship. It is therefore incumbent upon the Department to maintain and implement procedures, as described below, that allow consular officers and other Department employees to ensure these requirements are satisfied in every expatriation case.

A few commenters questioned the rationale for raising the renunciation fee, seeking more insight into how the fee is determined. Some commenters disputed that the higher fee actually represents the true cost of processing a renunciation. In particular, one commenter applied the Consular Time Charge of $135 to the renunciation fee and asked whether the service actually takes 17 hours. Another commenter specifically requested more information about the CoSM.

As described in the interim final rule, the CoSM uses activity-based costing to identify, describe, assign costs to, and report on agency operations. Using a process view, the model assigns resource costs such as salaries, travel, and supplies to different activities such as adjudicating an application or printing a visa foil. These activity costs are then assigned to cost objects, or products and services (visas, passports, administrative processing of a renunciation), to determine how much each service costs.

The CoSM demonstrated that documenting a U.S. national's renunciation of nationality is extremely costly. The cost of the service is not limited to the time consular officers spend with the renunciant at the appointment. The application is reviewed both overseas and domestically, requiring a substantial amount of time to ensure full compliance with the law. Through the provision of substantial information and one or two in-person interviews, the consular officer must determine that the individual is indeed a U.S. national, advise the individual on the consequences of loss of nationality, and determine that the individual fully intends to relinquish all the rights and privileges attendant to U.S. nationality, including the ability to reside in the United States unless properly documented as an alien. The consular officer also must determine whether the individual is seeking loss of nationality voluntarily or is under duress, a process that can be demanding in the case of minors or individuals with a developmental disability or mental illness. At the oath-taking interview, the consular officer must document the renunciation service on several forms signed by the individual seeking loss of nationality. The consular officer also must document the service in consular systems as well as in memoranda from the consular officer to headquarters. All forms and memoranda are closely reviewed at headquarters by a country officer and a senior approving officer within the Bureau of Consular Affairs, and may include consultation with legal advisers within the Bureau of Consular Affairs and the Office of the Legal Adviser. Some applications require multiple rounds of correspondence between post and headquarters.

Each individual issued a Certificate of Loss of Nationality also is advised of the possibility of seeking a future Administrative Review of the loss of nationality, a process that is conducted by the Office of Legal Affairs, Directorate of Overseas Citizens Service, Bureau of Consular Affairs. This review must consider whether the statute pursuant to which the initial finding of loss of nationality was made has been deemed to be unconstitutional. The review must also take notice of any significant change in the analysis of expatriation cases following a holding of the Supreme Court. Furthermore, the review must also take notice of any change in the interpretation of expatriation law that is adopted by the Department. Lastly, the review must evaluate evidence submitted by the expatriate that indicates that his or her commission of a statutory act of expatriation was either involuntary or

done without intending to relinquish his/her U.S. nationality.

In addition to the time spent processing renunciations overseas and domestically, the full cost of processing renunciations includes a portion of overhead costs that support consular operations overseas per OMB Circular A–25, Revised. These costs include overseas rent and security, information technology equipment, and applicable headquarters support. The Consular Time Charge of $135 per hour was not used in calculating the cost of a renunciation service. The Consular Time Charge is used in conjunction with other for-fee services listed on the Schedule of Fees for Consular Services that are provided outside of the office or outside of normal working hours.

Four comments asserted that the renunciation should be made more efficient rather than more costly. A few asked if there were ways to reduce bureaucracy and paperwork to lower the cost of the service. Specifically, one commenter pointed to the German renunciation process, which involves an online application, mailed certified copies of certain documents, and no in-person interviews. As described above, certain legal requirements exist in the U.S. system, unique to our laws and jurisprudence, to protect both the integrity of the process and the rights of those renouncing. The renunciation process involves significant safeguards to ensure that the renunciant is a U.S. national, fully understands the serious consequences of renunciation, and seeks to renounce voluntarily and intentionally. In short, the comprehensive process of expatriation under U.S. law does not impinge, but rather protects, the right of expatriation.

Finally, two comments raised questions about payment options and sought clarification on the effective date for the fee change. The new fee for processing renunciations took effect September 12, 2014. Payment by credit card (at most posts) or cash (in local or U.S. currency) is accepted at post at the time that the oath of renunciation is sworn.

In addition to the comments on the renunciation fee increase, the Department also received eight comments about the changes in immigrant and nonimmigrant visa fees. Most sought clarification on how the visa fees were changing, which payment options are available, and when the new fees will go into effect. One commenter asserted that the visa fees are set too low.

All tiered immigrant and nonimmigrant visa fees addressed in this rulemaking are set to reflect the costs of providing each service. The new visa fees went into effect on September 12, 2014. Further details on particular fees, including payment options, can be found on the Web site of the embassy or consulate where the applicant would like to make a visa appointment.

Conclusion

The Department adjusted the fees in light of the CoSM's findings that the U.S. government was not fully covering its costs for providing these consular services. Pursuant to OMB guidance, the Department endeavors to recover the cost of providing services that benefit specific individuals, as opposed to the general public. *See* OMB Circular A–25, ¶ 6(a)(1), (a)(2)(a). For this reason, the Department has adjusted the Schedule.

Regulatory Findings

For a summary of the regulatory findings and analyses regarding this rulemaking, please refer to the findings and analyses published with the interim final rule, which can be found at 79 FR 51247, which are adopted herein. The rule became effective September 6, 2014. As noted above, the Department has considered the comments submitted in response to the interim final rule, and does not adopt them. Thus, the rule remains in effect.

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. OMB has not reviewed it under those Orders. The Department of State has also considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

List of Subjects in 22 CFR Part 22

Consular services, Fees, Passports, and Visas.

Accordingly, the interim final rule amending 22 CFR part 22, which was published in the **Federal Register**, 79 FR 51247, on August 28, 2014 (Public Notice 8850), effective September 6, 2014, is adopted.

Dated: August 10, 2015.

Patrick F. Kennedy,

Under Secretary of State for Management, U.S. Department of State.

[FR Doc. 2015–21042 Filed 8–24–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 203, 207, 220, 221, 232, 236 and 241

[Docket No. FR–5805–F–02]

RIN 2502–AJ26

Federal Housing Administration (FHA): Standardizing Method of Payment for FHA Insurance Claims

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

ACTION: Final rule.

SUMMARY: This final rule is a cost-savings measure to update HUD's regulations regarding the payment of FHA insurance claims in debentures. Section 520(a) of the National Housing Act grants the Secretary discretion to pay insurance claims in cash or debentures. Although some sections of HUD's regulations have provided mortgagees the option to elect payment of FHA insurance claims in debentures, HUD has not paid an FHA insurance claim in debentures under these regulations in approximately 5 years. This final rule amends applicable FHA regulations to bring consistency in determining the method of payment for FHA insurance claims. This final rule follows publication of the February 20, 2015, proposed rule and adopts the proposed rule without change.

DATES: *Effective Date:* September 24, 2015.

FOR FURTHER INFORMATION CONTACT: For information about: HUD's Single Family Housing program, contact Ivery Himes, Director, Office of Single Family Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9172, Washington, DC 20410; telephone number 202–708–1672; HUD's Multifamily Housing program, contact Sivert Ritchie, Multifamily Claims Branch, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6252, Washington, DC 20410–8000; telephone number 202–708–2510. The telephone numbers listed above are not toll-free numbers. Persons with hearing or speech impairments may access these numbers through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background—the February 20, 2015, Proposed Rule

On February 20, 2015, HUD published a rule in the **Federal Register**, at 80 FR

9253, proposing to bring consistency and uniformity to the payment of FHA insurance claims among FHA programs. Under section 520(a) of the National Housing Act, the Secretary has the discretion to pay insurance claims in either cash or debentures.[1] HUD pursued this proposed rule because some of FHA's regulations provided mortgagees with the ability to request and receive payment of an insurance claim on a loan insured under the National Housing Act in debentures. As a result of these regulations, HUD was required to maintain an interagency agreement with the United States Department of the Treasury (Treasury), which is the agency responsible for issuing and servicing debentures, costing HUD over $206,000 per year, despite the fact that there are no current debentures being serviced by Treasury for HUD, and HUD has not paid an FHA insurance claim in debentures in approximately 5 years.

The February 20, 2015, rule proposed amending FHA's regulations to bring uniformity and consistency in the payment of FHA insurance claims among FHA programs in the following sections: §§ 203.400, 203.476, 203.478, 207.259, 220.751, 220.760, 220.822, 221.762, 232.885, 236.265, 241.261, 241.885, and 241.1205. As a result of these changes, § 220.760 was proposed to be removed because it was unnecessary. Please see the February 20, 2015, proposed rule for a more detailed description of the proposed changes.

II. This Final Rule

The public comment period for the proposed rule closed on April 21, 2015, and HUD did not receive any public comments. As a result, this final rule adopts the proposed rule without change.

III. Findings and Certifications

Regulatory Review—Executive Order 13563

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

Consistent with Executive Order 13563, the purposes of the reform to FHA's regulations regarding Secretarial discretion of the type of FHA insurance claim payment are to eliminate unnecessary spending and to bring consistency regarding the payment of insurance claims across FHA programs. As discussed in the preamble, the interagency agreement with Treasury costs HUD over $206,000 per year, even though HUD currently does not have any debentures for payment of FHA insurance claims in circulation, and has not made a payment in debentures in approximately 5 years for these insurance claims. In addition, different FHA programs treat payment of FHA insurance claims differently, and this final rule simplifies the regulations so that the authority to determine the method of claim payment rests with the Secretary who can determine whether it is fiscally prudent to offer FHA insurance claim payments in debentures, cash, or both.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule only changes the party which has the authority to determine the method of payment of FHA single family, multifamily, and healthcare insurance claims. Accordingly, the undersigned certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate the following: real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction. Furthermore, the rule does not establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either (i) imposes substantial direct compliance costs on State and local governments and is not required by statute or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Unfunded Mandates Reform Act

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

Paperwork Reduction Act

This final rule reduces information collection requirements already submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for Mortgage Insurance-Homes is 14.117; Mortgage Insurance Nursing Homes, Intermediate Care Facilities, Board and Care Homes, and Assisted Living Facilities is 14.129; Mortgage Insurance-Rental Housing is 14.134; and Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects is 14.155.

List of Subjects

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development; Mortgage insurance; Reporting and recordkeeping requirements; Solar energy.

24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

[1] 12 U.S.C. 1735d.

24 CFR Part 220

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Reporting and recordkeeping requirements.

24 CFR Part 236

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 241

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, for the reasons stated above, HUD amends 24 CFR parts 203, 207, 220, 221, 232, 236, and 241 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority citation for part 203 is revised to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, 1715z–16, 1715u, 1717z–21, and 1735d; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

■ 2. Revise § 203.400 to read as follows:

§ 203.400 Method of payment.

(a) If the application for insurance benefits is acceptable to the Commissioner, payment of the insurance claim shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner either at, or prior to, the time of payment.

(b) An insurance claim paid on a mortgage insured under section 223(e) of the National Housing Act shall be paid in cash from the Special Risk Insurance Fund.

■ 3. Revise § 203.476(g) to read as follows:

§ 203.476 Claim application and items to be filed.

* * * * *

(g) All property of the borrower held by the lender or to which it is entitled and, if the Commissioner elects to make payments in debentures, all cash held by the lender or to which it is entitled, including deposits made for the account of the borrower and which have not been applied in reduction of the principal loan indebtedness;

* * * * *

■ 4. Revise § 203.478(c) to read as follows:

§ 203.478 Payment of insurance benefits.

* * * * *

(c) *Method of payment.* Payment of an insurance claim shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner either at, or prior to, the time of payment.

* * * * *

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

■ 5. The authority citation for part 207 is revised to read as follows:

Authority: 12 U.S.C. 1701z–11(e), 1709(c)(1), 1713, 1715(b), and 1735d; 42 U.S.C. 3535(d).

■ 6. Amend § 207.259 by revising paragraph (a), to read as follows:

§ 207.259 Insurance Benefits.

(a) *Method of payment.* (1) Upon either an assignment of the mortgage to the Commissioner or a conveyance of the property to the Commissioner in accordance with requirements in § 207.258, payment of an insurance claim shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner either at, or prior to, the time of payment.

(2) An insurance claim paid on a mortgage insured under section 223(e) of the National Housing Act shall be paid in cash from the Special Risk Insurance Fund.

* * * * *

PART 220—MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS FOR URBAN RENEWAL AND CONCENTRATED DEVELOPMENT

■ 7. The authority citation for part 220 is revised to read as follows:

Authority: 12 U.S.C. 1713, 1715b, 1715k, and 1735d; 42 U.S.C. 3535(d).

■ 8. Revise § 220.751(a) to read as follows:

§ 220.751 Cross-reference.

(a) All of the provisions of subpart B, part 207, of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except § 207.256b Modification of mortgage terms.

* * * * *

§ 220.760 [Removed]

■ 9. Remove § 220.760.

§ 220.822 [Amended]

■ 10. In § 220.822 remove and reserve paragraph (b).

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE—SAVINGS CLAUSE

■ 11. The authority citation for part 221 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715l, and 1735d; 42 U.S.C. 3535(d).

§ 221.762 [Amended]

■ 12. In § 221.762 remove and reserve paragraph (a).

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, BOARD AND CARE HOMES, AND ASSISTED LIVING FACILITIES

■ 13. The authority citation for part 232 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715w, 1735d, and 1735f–19; 42 U.S.C. 3535(d).

■ 14. Revise § 232.885(a) to read as follows:

§ 232.885 Insurance benefits.

(a) *Method of payment.* Payment of an insurance claim shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner either at, or prior to, the time of payment.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

■ 15. The authority citation for part 236 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–1, and 1735d; 42 U.S.C. 3535(d).

§ 236.265 [Amended]

■ 16. In § 236.265, remove and reserve paragraph (a).

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

■ 17. The authority citation for part 241 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–6, and 1735d; 42 U.S.C. 3535(d).

■ 18. Revise § 241.261 to read as follows:

§ 241.261 Payment of insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits shall apply to multifamily loans insured under this subpart.

■ 19. Revise § 241.885(a) to read as follows:

§ 241.885 Insurance benefits.

(a) *Method of payment.* Payment of insurance claims shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner either at, or prior to, the time of payment.

* * * * *

■ 20. Revise § 241.1205 to read as follows:

§ 241.1205 Payment of insurance benefits.

All the provisions of § 207.259 of this chapter relating to insurance benefits shall apply to an equity or acquisition loan insured under subpart F of this part.

Dated: August 12, 2015.

Edward L. Golding,

Principal Deputy, Assistant Secretary for Housing.

Approved: August 12, 2015.

Nani A. Coloretti,

Deputy Secretary.

[FR Doc. 2015–20827 Filed 8–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0722]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the S. R. 74 Bridge across the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, NC. This deviation is necessary to facilitate the annual Beach2Battleship Iron and Half-Iron Distance Triathlons. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 6:30 a.m. to 11 a.m. on October 17, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0722], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates the S. R. 74 Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.821(a)(4), to facilitate the annual Beach2Battleship Iron and Half-Iron Distance Triathlons.

Under the normal operating schedule for the S. R. 74 Bridge across the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, NC in 33 CFR 117.821(a)(4); the draw need only open on the hour between 7 a.m. and 7 p.m. and open on demand between 7 p.m. and 7 a.m. The bridge has a vertical clearance in the closed-to-navigation position of 20 feet above mean high water.

Under this temporary deviation, the bridge will be closed to navigation from 6:30 a.m. to 11 a.m. on October 17, 2015. The Atlantic Intracoastal Waterway is used by a variety of vessels including small commercial fishing vessels and recreational vessels. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

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

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

Dated: August 19, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–20912 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0723]

Drawbridge Operation Regulations; Northeast Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, at Wilmington, NC. This deviation is necessary to facilitate the annual Beach2Battleship Iron and Half-Iron Distance Triathlons. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 9:30 a.m. to 6 p.m. on October 17, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0723], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757)

398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates the Isabel S. Holmes Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.829(a), to facilitate the annual Beach2Battleship Iron and Half-Iron Distance Triathlons.

Under the normal operating schedule for the Isabel S. Holmes Bridge across the Northeast Cape Fear River, mile 1.0, at Wilmington, NC in 33 CFR 117.829(a); the draw will be closed to pleasure craft from 6 a.m. to 6 p.m. every day except at 10 a.m. and 2 p.m. when the draw will open for all waiting vessels; the draw will open on signal for Government and commercial vessels at all times; the draw will open for all vessels on signal from 6 p.m. to 6 a.m. The bridge has a vertical clearance in the closed-to-navigation position of 40 feet above mean high water.

Under this temporary deviation, the bridge will be closed to navigation from 9:30 a.m. to 6 p.m. on October 17, 2015. The Northeast Cape Fear River is used by a variety of vessels including small commercial fishing vessels, recreational vessels and tug and barge. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

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

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

Dated: August 19, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–20913 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0900]

Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA from September 23, 2015 through September 24, 2015, unless cancelled sooner by the Captain of the Port. This is necessary to ensure the safety of the maritime public and vessels participating in these exercises. During the enforcement period, entry into this zone is prohibited unless authorized by the Captain of the Port or his Designated Representative.

DATES: The regulations in 33 CFR 165.1339 will be enforced from 12:01 a.m. on September 23, 2015 through 11:59 p.m. on September 24, 2015, unless cancelled sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LT Kate Haseley, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA set forth in 33 CFR 165.1339, from 12:01 a.m. on September 23, 2015 through 11:59 p.m. on September 24, 2015, unless cancelled sooner by the Captain of the Port. Under the provisions of 33 CFR 165.1339, no person or vessel may enter or remain within 500 yards of any vessel involved in Coast Guard training exercises while such vessel is transiting Hood Canal, WA between Foul Weather Bluff and the entrance to Dabob Bay, unless authorized by the Captain of the Port or his Designated Representative. In addition, the regulation establishes requirements for all vessels to obtain permission for entry during the enforcement period by contacting the on-scene patrol commander on VHF channel 13 or 16, or the Sector Puget Sound Joint Harbor Operations Center at 206–217–6001. Members of the maritime public will be able to identify participating vessels as those flying the Coast Guard Ensign. The COTP may also be assisted in the enforcement of the zone by other federal, state, or local agencies.

This notice is issued under authority of 33 U.S.C. 165.1339 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via marine information broadcasts and on-scene assets. If the COTP determines that the regulated area 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 regulated area.

Dated: August 10, 2015.

M.W. Raymond

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2015–21012 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2013–0005; FRL–9932–40–Region 10]

Approval and Promulgation of Implementation Plans; Klamath Falls, Oregon Nonattainment Area; Fine Particulate Matter Emissions Inventory and SIP Strengthening Measures

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the Oregon Department of Environmental Quality (ODEQ) on December 12, 2012 to address Clean Air Act (CAA) requirements for the Klamath Falls, Oregon nonattainment area for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). Specifically, the EPA is approving the emissions inventory contained in the ODEQ's submittal as meeting the requirement to submit a comprehensive, accurate, and current inventory of direct $PM_{2.5}$ and $PM_{2.5}$ precursor emissions in Klamath Falls, Oregon. The EPA also is approving and incorporating by reference $PM_{2.5}$ control measures contained in the December 12, 2012, submittal because incorporation of these measures will strengthen the Oregon SIP and are designed to reduce $PM_{2.5}$ emissions in the Klamath Falls, Oregon nonattainment area (Klamath Falls

NAA) that contribute to violations of the 2006 $PM_{2.5}$ NAAQS.

DATES: This final rule is effective on September 24, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2013–0005. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Justin A. Spenillo at (206) 553–6125, *spenillo.justin@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Table of Contents

I. Background
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background

Detailed information on the history of the $PM_{2.5}$ NAAQS as it relates to the Klamath Falls NAA was included in the EPA's proposal for this action (79 FR 78372, December 30, 2014). The proposal explained how the ODEQ met its obligation under CAA section 172(c)(3) for submission of a comprehensive, accurate, and current inventory of actual emissions as submitted in its December 12, 2012 SIP submittal. The proposal analyzed the SIP strengthening measures designed to reduce emissions in the Klamath Falls NAA that contribute to violations of the 2006 $PM_{2.5}$ NAAQS. The EPA proposed to approve both the baseline emissions inventory and SIP strengthening measures included the December 12, 2012 SIP revision, consistent with sections 110 and 172 of the CAA.

The comment period on our proposed approval ended January 29, 2015 and we did not receive any comments on the proposal. We are therefore finalizing our approval. The primary element of the Klamath County Clean Air Ordinance 63.06 to help ensure attainment and maintenance of the NAAQS is the episodic curtailment program which restricts the use of woodstoves and fireplaces on days that are conducive to the buildup of $PM_{2.5}$ concentrations. The curtailment program restricts the use of woodstoves and fireplaces as described in the proposed **Federal Register** notice for this action.

In addition to the episodic curtailment program, the ordinance includes provisions that impose restrictions on what can be burned in woodstoves and fireplaces at any time. The ordinance requires that only seasoned wood, specifically dry, seasoned cordwood, pressed sawdust logs, organic charcoal or pellets specifically manufactured for the appliance, be burned in solid fuel-fired appliances. The rules and ordinance also specifically prohibit the burning of garbage and other named prohibited materials. These material restrictions control the $PM_{2.5}$ emissions from woodstoves and fireplaces on a continuous basis, whereas the episodic curtailment program imposes additional restrictions on the use of woodstoves and fireplaces only when necessary to address the potential buildup of $PM_{2.5}$ concentrations.

As mentioned in the **Federal Register** notice for the proposed action, the ordinance prohibits emissions from solid fuel-fired appliances with an opacity greater than 20% for a period or periods aggregating more than three minutes in any one hour period. This provision provides a visual indicator for the proper operation of a solid fuel-fired appliance, including the use of properly seasoned wood. The opacity limit applies at all times except during the ten-minute startup period. However, during those times, the episodic curtailment program and other restrictions regulating fuel contained in the provisions described above continue to apply, as clarified in the June 17, 2015 letter from David Collier (Air Quality Planning Manager, Oregon Department of Environmental Quality), available in the docket.

Accordingly, this combination of provisions constitutes continuous emission limitations, consistent with Federal Clean Air Act requirements. Specifically, reliance on the episodic curtailment program and other provisions regulating fuel described above serves as an adequate alternative emission limit during the starting of fires in solid fuel-fired appliances, when use of the 20% opacity limits would be infeasible. Reliance on those requirements during startup periods is limited and specific to the operation of solid fuel-fired appliances, minimizes the frequency and duration of those periods, and minimizes the impact of emissions on ambient air quality during those periods, while the episodic curtailment program ensures that emission impacts are avoided during potential worst-case periods. While EPA's guidance on alternative emission limits also specifies that the owner or operator's actions during startup and shutdown periods be documented by properly signed, contemporaneous operating logs or other relevant evidence, we do not think it is reasonable to apply that element of the guidance in this case, because we conclude it would be an unreasonable burden to impose this recordkeeping requirement for individual home heating situations. See 80 FR 33840 (June 12, 2015). [relevant discussion is on page 278–279 of the notice available at *http://www.epa.gov/airquality/urbanair/sipstatus/docs/20150522fr.pdf*].

II. Final Action

The EPA approves the emissions inventory for the Klamath Falls NAA, submitted by ODEQ on December 12, 2012, as meeting the emissions inventory requirements of section 172(c)(3) of the CAA for 2006 $PM_{2.5}$ 24-hr NAAQS nonattainment area planning. The EPA also approves and incorporates by reference into the Oregon SIP the specific control measures submitted by the ODEQ on December 12, 2012, to the extent set forth in this final rule. The EPA will take action on remaining aspects of the December 12, 2012 submittal by the ODEQ in a forthcoming proposal.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Oregon Administrative Rules and Klamath County ordinances 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).

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, the 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 this action does not involve technical standards; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the 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 it 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. The 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 26, 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 4, 2015.

Dennis J. McLerran,

Regional Administrator, EPA Region 10.

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 MM—Oregon

■ 2. In § 52.1970, paragraph (c):

■ a. Table 2—EPA Approved Oregon Administrative Rules (OAR) is amended by:

■ i. Revising the entries for 204–0010, 225–0090, 240–0010, and 240–0030;

■ ii. Adding a header titled ''Klamath Falls Nonattainment Area'' after the entry for 240–0440 and adding entries for 240–0500, 240–0510, 240–0520, 240–0530, 240–0540, and 240–0550 in numerical order;

■ iii. Adding a header titled ''Real and Permanent $PM_{2.5}$ and PM_{10} Offsets'' after the entry for 240–0550 and adding an entry for 240–0560 in numerical order;

■ iv. Revising the entries for 264–0040, 264–0078, 264–0080, and 264–0100; and

■ v. Adding in numerical order an entry for 264–0175.

■ b. Table 3—EPA Approved City and County Ordinances is amended by:

■ i. Removing the entry for Klamath County Clean Air Ordinance 63; and

■ ii. Adding an entry for Klamath County Clean Air Ordinance No. 63.06 at the end of the table.

The revisions and additions read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	* *	*	* *	*
204–0010	Definitions	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
225–0090	Requirements for Demonstrating a Net Air Quality Benefit.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	Except (2)(a)(C).

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	* *	*	* *	*
240–0010	Purpose	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
240–0030	Definitions	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
Klamath Falls Nonattainment Area				
240–0500	Applicability	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
240–0510	Opacity Standard	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
240–0520	Control of Fugitive Emissions	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
240–0530	Requirements for Operation and Maintenance Plans.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
240–0540	Compliance Schedule for Existing Industrial Sources.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
240–0550	Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
Real and Permanent $PM_{2.5}$ and PM_{10} Offsets				
240–0560	Real and Permanent $PM_{2.5}$ and PM_{10} Offsets	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
264–0040	Exemptions, Statewide	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
264–0078	Open Burning Control Areas	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
264–0080	County Listing of Specific Open Burning Rules.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
264–0100	Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*
264–0175	Klamath County	12/11/2012	08/25/2015 [Insert **Federal Register** citation]	
*	* *	*	* *	*

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES

Agency and ordinance	Title or subject	Date	EPA approval date	Explanation
*	* *	*	* *	*
Klamath County Ordinance 63.06.	Chapter 406—Klamath County Clean Air Ordinance 63.06.	12/31/2012	08/25/2015 [Insert **Federal Register** citation].	Except 406.300 and 406.400 Klamath Falls $PM_{2.5}$ Attainment Plan.

* * * * *

[FR Doc. 2015–20903 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

Payment for Part B Medical and Other Health Services

CFR Correction

■ In Title 42 of the Code of Federal Regulations, Parts 414 to 429, revised as of October 1, 2014, on page 21, in § 414.60, correct paragraph (a)(1) to read as follows:

§ 414.60 Payment for the services of CRNAs.

(a) * * *

(1) The allowance for an anesthesia service furnished by a medically directed CRNA is based on a fixed percentage of the allowance recognized for the anesthesia service personally performed by the physician alone, as specified in § 414.46(d)(3); and

* * * * *

[FR Doc. 2015–21003 Filed 8–24–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 476

Quality Improvement Organization Review

CFR Correction

In Title 42 of the Code of Federal Regulations, Parts 430 to 481, revised as of October 1, 2014, on page 591, in § 476.80, make the following changes:

■ 1. In paragraphs (a)(1), (a)(2) introductory text (two places), (c)(3)(ii), (d)(1), and (d)(2), remove the phrase ''fiscal intermediary or carrier'' and add the phrase ''Medicare administrative contractor, fiscal intermediary, or carrier'' in its place.

■ 2. In the heading for paragraph (e), and in paragraphs (e)(1) and (e)(2), remove the phrase ''fiscal intermediary'' and add the phrase ''Medicare administrative contractor or fiscal intermediary'' in its place.

[FR Doc. 2015–20993 Filed 8–24–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8395]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region IV				
Kentucky:				
Allen, Town of, Floyd County	210070	April 14, 1977, Emerg; April 18, 1983, Reg; September 16, 2015, Susp.	September 16, 2015.	September 16, 2015.
Coal Run Village, City of, Pike County	210263	April 14, 1977, Emerg; December 4, 1979, Reg; September 16, 2015, Susp.	*.....do	Do.
Floyd County, Unincorporated Areas	210069	March 11, 1976, Emerg; September 5, 1984, Reg; September 16, 2015, Susp.	.....do	Do.
Inez, City of, Martin County	210362	May 19, 1988, Emerg; May 19, 1988, Reg; September 16, 2015, Susp.	.....do	Do.
Johnson County, Unincorporated Areas	210339	October 30, 1978, Emerg; May 4, 1988, Reg; September 16, 2015, Susp.	.....do	Do.
Knott County, Unincorporated Areas	210340	January 8, 1981, Emerg; February 1, 1987, Reg; September 16, 2015, Susp.	.....do	Do.
Lawrence County, Unincorporated Areas.	210258	April 18, 1985, Emerg; April 18, 1985, Reg; September 16, 2015, Susp.	.....do	Do.
Louisa, City of, Lawrence County	210241	August 8, 1975, Emerg; November 19, 1980, Reg; September 16, 2015, Susp.	.....do	Do.
Magoffin County, Unincorporated Areas	210158	December 18, 1978, Emerg; March 4, 1986, Reg; September 16, 2015, Susp.	.....do	Do.
Martin, City of, Floyd County	210071	April 14, 1977, Emerg; February 15, 1984, Reg; September 16, 2015, Susp.	.....do	Do.
Martin County, Unincorporated Areas	210166	April 14, 1977, Emerg; February 19, 1986, Reg; September 16, 2015, Susp.	.....do	Do.
Morgan County, Unincorporated Areas	210292	May 13, 1975, Emerg; August 5, 1986, Reg; September 16, 2015, Susp.	.....do	Do.
Paintsville, City of, Johnson County	210127	October 18, 1974, Emerg; May 15, 1980, Reg; September 16, 2015, Susp.	.....do	Do.
Pike County, Unincorporated Areas	210298	July 20, 1977, Emerg; December 4, 1979, Reg; September 16, 2015, Susp.	.....do	Do.
Pikeville, City of, Pike County	210193	May 13, 1975, Emerg; March 2, 1981, Reg; September 16, 2015, Susp.	.....do	Do.
Prestonsburg, City of, Floyd County	210072	February 6, 1975, Emerg; July 16, 1980, Reg; September 16, 2015, Susp.	.....do	Do.
Warfield, City of, Martin County	210364	N/A, Emerg; September 4, 1986, Reg; September 16, 2015, Susp.	.....do	Do.
Wayland, City of, Floyd County	210073	March 29, 1976, Emerg; April 18, 1983, Reg; September 16, 2015, Susp.	.....do	Do.
Wheelwright, City of, Floyd County	210074	October 15, 1974, Emerg; June 17, 1986, Reg; September 16, 2015, Susp.	.....do	Do.
Region V				
Minnesota: St. Paul, City of, Ramsey County.	275248	April 2, 1971, Emerg; February 9, 1973, Reg; September 16, 2015, Susp.	.....do	Do.
Wisconsin:				
Beloit, City of, Rock County	555544	November 27, 1970, Emerg; July 9, 1971, Reg; September 16, 2015, Susp.	.....do	Do.
Evansville, City of, Rock County	550366	February 5, 1975, Emerg; January 18, 1984, Reg; September 16, 2015, Susp.	.....do	Do.
Footville, Village of, Rock County	550575	March 24, 1975, Emerg; July 3, 1986, Reg; September 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Janesville, City of, Rock County	555560	March 26, 1971, Emerg; March 31, 1972, Reg; September 16, 2015, Susp.	.....do	Do.
Milton, City of, Rock County	550026	N/A, Emerg; May 26, 2010, Reg; September 16, 2015, Susp.	.....do	Do.
Rock County, Unincorporated Areas	550363	February 8, 1974, Emerg; August 1, 1983, Reg; September 16, 2015, Susp.	.....do	Do.
Region VIII				
Wyoming:				
Jackson, Town of, Teton County	560052	August 8, 1975, Emerg; May 4, 1989, Reg; September 16, 2015, Susp.	.....do	Do.
Teton County, Unincorporated Areas	560094	April 19, 1978, Emerg; May 4, 1989, Reg; September 16, 2015, Susp.	.....do	Do.

*.....do = Ditto.
Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: July 28, 2015.

Roy E. Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–20942 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8385]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing a duplicate final rule which it published inadvertently on June 23, 2015.

DATES: This withdrawal is effective August 25, 2015.

FOR FURTHER INFORMATION CONTACT: Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: On June 23, 2015, FEMA published a final rule, Suspension of Community Eligibility (Docket ID FEMA–2015–0001; Internal Docket No. FEMA–8385) (80 FR 35851), that had previously been published on June 4, 2015 (80 FR 31847). The June 23, 2015 final rule publication was in error, and FEMA withdraws publication of the duplicate rule. This error does not alter the effective dates of the final rule that was published on June 4, 2015.

Dated: July 29, 2015.

Roy Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–20893 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 22

Application of Labor Laws to Government Acquisitions

CFR Correction

■ In Title 48 of the Code of Federal Regulations, Chapter 1, Parts 1 to 51, revised as of October 1, 2014, on page 526, in section 22.1008–2, in the last sentence of paragraph (d)(1), remove ‘‘, as amended’’.

[FR Doc. 2015–20997 Filed 8–24–15; 8:45 am]

BILLING CODE 1501–01–D

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 46

Quality Assurance

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 1, Parts 1 to 51, revised as of October 1, 2014, on page 952, remove section 46.806.

[FR Doc. 2015–20995 Filed 8–24–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150406346–5700–02]

RIN 0648–BF03

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries for 2015

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

ACTION: Final rule.

SUMMARY: This rule makes final an interim rule that established a fishing effort limit for calendar year 2015 for U.S. purse seine vessels in the U.S. exclusive economic zone (EEZ) and on the high seas between the latitudes of 20° N. and 20° S. in the area of

application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area). The limit is 1,828 fishing days. This action is necessary for the United States to implement provisions of a conservation and management measure (CMM) adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) and to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

DATES: This rule is effective on August 25, 2015.

ADDRESSES: Copies of supporting documents prepared for this final rule, including the regulatory impact review (RIR) and the environmental assessment (EA) and supplemental EA prepared for the National Environmental Policy Act (NEPA) purposes, as well as the interim rule, are available via the Federal e-rulemaking Portal, at *www.regulations.gov* (search for Docket ID NOAA–NMFS–2015–0058). Those documents are also available from NMFS at the following address: Michael Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Emily Crigler, NMFS PIRO, 808–725–5036.

SUPPLEMENTARY INFORMATION: On May 21, 2015, NMFS published an interim rule in the **Federal Register** (80 FR 29220) to establish a limit on fishing effort by U.S. purse seine vessels in the U.S. EEZ and on the high seas between the latitudes of 20° N. and 20° S. in the Convention Area for the calendar year 2015. This area is known in U.S. fishing regulations as the Effort Limit Area for Purse Seine, or ELAPS. The limit established in the interim rule is 1,828 fishing days. The interim rule was open for public comment until June 5, 2015.

The 2015 purse seine fishing effort limit for the ELAPS was formulated as in previous rules to establish limits for the ELAPS: The applicable limit for the U.S. EEZ portion of the ELAPS, 558 fishing days per year, is combined with the applicable limit for the high seas portion of the ELAPS, 1,270 fishing days per year, resulting in a combined limit of 1,828 fishing days in the ELAPS for calendar year 2015.

As established in existing regulations for purse seine fishing effort limits in the ELAPS, NMFS monitors the number of fishing days spent in the ELAPS using data submitted in logbooks and other available information. On June 8, 2015, NMFS issued a temporary rule in the **Federal Register** announcing that the purse seine fishery in the ELAPS would close as a result of reaching the limit of 1,828 fishing days (80 FR 32313). The closure took effect June 15, 2015, and will remain in effect through December 31, 2015.

This final rule is issued under the authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), which authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the Commission. The authority to promulgate regulations has been delegated to NMFS. The preamble to the interim rule provides background information on a number of matters, including the Convention and the Commission, the provisions of the WCPFC decisions being implemented in this rule, and the bases for the proposed regulations, which are not repeated here.

The Action

This final rule makes final the interim rule that established the limit of 1,828 fishing days for the calendar year 2015.

Comments and Responses

NMFS received two sets of comments on the interim rule. The comments are summarized below, followed by responses from NMFS.

Comment 1: Our oceans are seriously overfished and are on the verge of collapse due to warming, acidification, toxins, and plastics, etc. Limits need to be placed upon fisheries. Economic gain of the fisheries has got to be curtailed now to save all ocean life.

Response: NMFS acknowledges the comment.

Comment 2: Due to the fact that U.S. purse seine fleet located in Pago Pago, American Samoa, is already under duress because of low fish prices and high access fees for fishing in the waters of the Parties to the Nauru Agreement (PNA), closing the U.S. EEZ and high seas to U.S. purse seine fishing will only add to the demise of the U.S. fleet in American Samoa.

Response: NMFS acknowledges the concerns expressed by the commenter. However, this final rule establishes limits adopted by the Commission in Conservation and Management Measure (CMM) 2014–01. We believe that taking this action to implement the 1,828 day limit in the ELAPs is necessary to satisfy the obligations of the United States under the Convention and CMM 2014–01.

No changes from the interim rule have been made in this final rule.

Petition for Rulemaking

On May 12, 2015, as the interim rule was being finalized for publication, NMFS received a petition for rulemaking from Tri Marine Management Company, LLC (Tri Marine). The company requested, first, that NOAA undertake an emergency rulemaking to implement the 2015 limit on fishing effort by U.S. purse seine vessels on the high seas and in the U.S. exclusive economic zone in the Convention Area, and second, that NOAA issue a rule exempting from that limit any U.S. purse seine vessel that, pursuant to contract or declaration of intent, delivers or will deliver at least half its catch to tuna processing facilities in American Samoa. This final rule addresses the first part of the petition by implementing the 2015 limit on fishing effort for U.S. purse seiners on the high seas and in the U.S. EEZ. On July 17, 2015, NMFS published a notice of receipt of, and request for comment on, the Tri Marine petition (80 FR 42464). Any action taken by NMFS in response to the second petitioned action will be taken separately from the rulemaking in this document, after consideration of public comment on the notice of receipt of the petition.

Fishing Restrictions During Closure Periods

The regulations at 50 CFR 300.223 implementing the ELAPS closure prohibit U.S. purse seine vessels from conducting bunkering operations in the ELAPS during the closure period, since bunkering is included in the definition of fishing (see 50 CFR 300.211). During the ELAPS closure, the U.S. purse seine fleet generally continues to be allowed to fish under the South Pacific Tuna Treaty in some foreign EEZs; however, the vessels are not necessarily authorized by those nations to conduct bunkering activities in their waters. Consequently, they are effectively forced to conduct bunkering operations in foreign waters or ports, which can result in substantial costs to fishing businesses. In a separate, but related rulemaking (RIN 0648–BF23), which is

being published elsewhere in this issue of the **Federal Register**, NMFS is removing, through an interim rule, the restrictions on bunkering operations, if otherwise authorized by applicable laws and regulations, in the ELAPS during the closure period.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this final rule is consistent with the WCPFC Implementation Act and other applicable laws.

Administrative Procedure Act

NMFS may waive the 30-day delay in effectiveness required under the Administrative Procedure Act, 5 U.S.C. 553(d), upon a finding of good cause that the delay is impracticable, unnecessary, or contrary to the public interest. NMFS finds that it would be contrary to the public interest to delay the effective date of this final rule. The requirements have been in effect through the interim rule since May 21, 2015, and the ELAPS has been closed to fishing by U.S. purse seiners since June 15, 2015. If this final rule does not enter into effect immediately, there could be public confusion as to whether the ELAPS is reopened to fishing until the rule enters into effect. Thus, this final rule is effective upon publication in the **Federal Register** so there is no perceived regulatory gap in the implementation of the fishing effort limit in the ELAPS for 2015.

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

Because prior notice and opportunity for public comment were not required for the interim rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Therefore, no final regulatory flexibility analysis was required and none has been prepared.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: August 19, 2015.

Samuel D. Rauch III,

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

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart O—Western and Central Pacific Fisheries for Highly Migratory Species

■ Accordingly, the interim rule revising § 300.223, paragraph (a)(1), which was published at 80 FR 29220 on May 21, 2015, is adopted as a final rule without change.

[FR Doc. 2015–20957 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150629563–5703–01]

RIN 0648–BF23

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Purse Seine Fishing Restrictions During Closure Periods

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

ACTION: Interim rule; request for comments.

SUMMARY: This interim rule amends the regulations to remove the restriction that prohibits U.S. purse seine vessels from conducting bunkering (refueling) activities in the U.S. exclusive economic zone (EEZ) and on the high seas between the latitudes of 20° N. and 20° S. in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), also known as the Effort Limit Area for Purse Seine or ELAPS, when this area is closed to U.S. purse seine fishing. This action would relieve U.S. purse seine vessels from the burden of the prohibition while continuing to satisfy U.S. obligations pursuant to the Western and Central Pacific Fisheries Convention Implementation Act.

DATES: This rule is effective on August 25, 2015. Comments must be submitted in writing by September 24, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0098, and the regulatory impact review (RIR) prepared for the interim rule, by either of the following methods:

• *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0098*,

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

—OR—

• *Mail:* Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

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

Copies of the RIR and the Record of Environmental Consideration prepared for National Environmental Policy Act (NEPA) purposes are available at *www.regulations.gov* or may be obtained from Michael D. Tosatto, Regional Administrator, NMFS PIRO (see address above).

FOR FURTHER INFORMATION CONTACT: Emily Crigler, NMFS PIRO, 808–725–5036.

SUPPLEMENTARY INFORMATION:

Background on the Convention

The Convention focuses on the conservation and management of highly migratory species (HMS) and the management of fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the western and central Pacific Ocean (WCPO). To accomplish this objective, the Convention established the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission). The

Commission includes Members, Cooperating Non-members, and Participating Territories (hereafter, collectively ''members''). The United States is a Member, and American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands are Participating Territories.

As a Contracting Party to the Convention and a Member of the Commission, the United States is obligated to implement the decisions of the Commission. The Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*; WCPFC Implementation Act) authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including implementation of the decisions of the Commission. The WCPFC Implementation Act further provides that the Secretary of Commerce shall ensure consistency, to the extent practicable, of fishery management programs administered under the WCPFC Implementation Act and the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 *et seq.*), as well as other specific laws (see 16 U.S.C. 6905(b)). The Secretary of Commerce has delegated the authority to promulgate regulations under the WCPFC Implementation Act to NMFS. A map showing the boundaries of the area of application of the Convention (Convention Area), which comprises the majority of the WCPO, can be found on the Commission Web site at: *www.wcpfc.int/doc/convention-area-map.*

WCPFC Decision on Tropical Tunas

At its Eleventh Regular Session, in December 2014, the Commission adopted Conservation and Management Measure (CMM) 2014–01, ''Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean.'' CMM 2014–01 is the most recent in a series of CMMs for the management of tropical tuna stocks under the purview of the Commission. It is the immediate successor to CMM 2013–01, adopted in December 2013. These and other CMMs are available at: *www.wcpfc.int/conservation-and-management-measures.*

The stated general objective of CMM 2014–01 and several of its predecessor CMMs is to ensure that the stocks of bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*) in the WCPO are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors. CMM 2014–01 includes specific objectives for each of the three stocks; the common objective is that the fishing mortality rate is to be reduced to or maintained at levels no greater than the fishing mortality rate associated with maximum sustainable yield.

CMM 2014–01 went into effect February 3, 2015, and is generally applicable for the 2015–2017 period. The CMM includes provisions for purse seine vessels, longline vessels, and other types of vessels that fish for HMS. The CMM's provisions for purse seine vessels include limits on the allowable number of fishing vessels, limits on the allowable level of fishing effort, restrictions on the use of fish aggregating devices, requirements to retain all bigeye tuna, yellowfin tuna, and skipjack tuna except in specific circumstances, and requirements to carry vessel observers.

The provisions of CMM 2014–01 apply on the high seas and in EEZs in the Convention Area; they do not apply in territorial seas or archipelagic waters.

CMM 2014–01 includes specific fishing effort limits for purse seine vessels.

NMFS Regulations Regarding Purse Seine Fishing Effort Limits

On May 21, 2015, NMFS published an interim rule to establish a limit on fishing effort by U.S. purse seine vessels in the ELAPS for the calendar year 2015 (80 FR 29220), in accordance with the relevant provisions of CMM 2014–01. The limit is 1,828 fishing days, and went into effect on May 21, 2015. NMFS is issuing a final rule that responds to comments on the interim rule issued on May 21, 2015 (see the final rule identified by RIN 0648–BF03), which is being published elsewhere in this issue of the **Federal Register**.

On June 8, 2015, NMFS determined that the 2015 ELAPS limit was expected to be reached and, in accordance with the procedures established at 50 CFR 300.223, issued a temporary rule announcing that the purse seine fishery in the ELAPS would be closed to fishing by U.S. purse seine vessels starting June 15, 2015, and would remain closed through December 31, 2015 (80 FR 32313).

The regulations at 50 CFR 300.223, promulgated in 2009, specify that once a fishery closure in the ELAPS goes into effect, U.S. fishing vessels equipped with purse seine gear may not be used to fish in the ELAPS during the closure period. Because the definition of fishing, as established in 50 CFR 300.211, specifically includes bunkering, U.S. purse seine vessels under these regulations are prohibited from conducting bunkering operations in the ELAPS. During the closure of the ELAPS, U.S. purse seine vessels are generally allowed to fish in some foreign EEZs pursuant to the South Pacific Tuna Treaty. Information suggests that the U.S. WCPO purse seine fleet conducts about half of all bunkering operations on the high seas in order to support fishing operations in foreign EEZs in the WCPO. Since the regulations at 50 CFR 300.223 prohibit bunkering on the high seas in the WCPO for the remainder of 2015, the vessels are compelled to bunker in foreign waters or ports, which brings additional costs to these businesses. As stated in the RIR, it is difficult to estimate the costs to these businesses of the bunkering prohibition, but considering lost fishing time, transit costs, higher fuel prices, and, in the situation of having to go to port, port-associated costs, it is clear the additional costs could be substantial.

The Action

This interim rule is limited to amending the regulations at 50 CFR 300.223 to remove the restriction that prohibits U.S. purse seine vessels from conducting bunkering (refueling) activities within the ELAPS after a closure is announced. The regulations at 50 CFR 300.223(a)(3) state that once a fishery closure is announced, fishing vessels of the United States equipped with purse seine gear may not be used to fish in the ELAPS during the period specified in the **Federal Register** notice. This interim final rule amends this paragraph to include language stating that once a fishery closure is announced, fishing vessels of the United States equipped with purse seine gear may not be used to fish in the ELAPS during the period specified, except that such vessels are not prohibited from bunkering in the ELAPS during a fishery closure. U.S. vessels conducting bunkering operations in the ELAPS would still need to comply with all applicable international and Coast Guard regulations concerning ship-to-ship fuel transfers.

This action is consistent with the provisions of CMM 2014–01 regarding purse seine fishing effort limits and is undertaken pursuant to the WCPFC Implementation Act. Although

bunkering is included in the general definition of ''fishing'' because it is an activity that directly supports fishing operations, Commission decisions do not prohibit bunkering after a fishing effort limit is reached, and NMFS believes that a prohibition on bunkering in the ELAPS would have little or no effect on controlling fishing mortality, which is the underlying objective of CMM 2014–01. The costs of the bunkering prohibition outweigh any benefits the prohibition may have. Thus, this action is consistent with the purse seine fishing effort limit provisions of CMM 2014–01, the objective of which is to reduce or maintain the fishing mortality rates of bigeye tuna, yellowfin tuna, and skipjack tuna at levels no greater than the fishing mortality rates associated with maximum sustainable yield.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this interim rule is consistent with the WCPFC Implementation Act and other applicable laws.

Administrative Procedure Act (APA)

The Assistant Administrator finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this action, because it would be impracticable and contrary to the public interest. This rule removes a restriction that prohibits U.S. purse seine vessels from conducting bunkering (refueling) activities in the U.S. exclusive economic zone (EEZ) and in certain areas of the high seas. Without the amendments in this interim final rule, vessels would be compelled to bunker in foreign waters or ports, which brings additional costs to these businesses. It is difficult to estimate the costs to these businesses, but it could be substantial due to lost fishing time, transit costs, higher fuel prices, and, in the situation of having to go to port, port-associated costs. If this rule is delayed to allow for prior notice and opportunity for public comment, it could result in substantial economic costs to the regulated community as the bunkering prohibition is currently effective and impacting the regulated community. In addition, continuing this restriction is not necessary to satisfy the obligations of the United States as a member of the Commission.

The Assistant Administrative finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness because the bunkering prohibition is currently effective and impacting the regulated community. If this rule is delayed to allow for a 30-day delay in effectiveness, it could result in substantial economic costs to the regulated community. In order to avoid the possible economic impacts, this rule needs to be implemented immediately.

Executive Order 12866

This interim rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable. Therefore, no final regulatory flexibility analysis was required and none has been prepared.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: August 19, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart O—Western and Central Pacific Fisheries for Highly Migratory Species

■ 1. The authority citation for 50 CFR part 300, subpart O, continues to read as follows:

Authority: 16 U.S.C. 6901 *et seq.*

■ 2. In § 300.223, paragraph (a)(3) is revised to read as follows:

§ 300.223 Purse seine fishing restrictions.

* * * * *

(a) * * *

(3) Once a fishery closure is announced pursuant to paragraph (a)(2) of this section, fishing vessels of the United States equipped with purse seine gear may not be used to fish in the ELAPS during the period specified in the **Federal Register** notice, except that such vessels are not prohibited from bunkering in the ELAPS during a fishery closure.

* * * * *

[FR Doc. 2015–20955 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 164
Tuesday, August 25, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50, Appendix I

[NRC–2014–0044]

RIN 3150–AJ38

Reactor Effluents

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: On May 4, 2015, the U.S. Nuclear Regulatory Commission (NRC) requested public comment on an advance notice of proposed rulemaking (ANPR) to obtain input for the development of a regulatory basis that would support potential amendments to those regulations concerning how NRC licensees demonstrate meeting the ''as low as is reasonably achievable'' standard with respect to effluents from nuclear power plants. The purpose of the potential amendments would be to more closely align these NRC regulations with the terminology and dose-related methodology published by the International Commission on Radiation Protection (ICRP), as contained in the ICRP Publication 103 (2007). The public comment period was originally scheduled to close on September 1, 2015. The NRC received a request to extend the public comment period on the ANPR and is approving a one-time, 30-day extension to provide additional time for members of the public and other stakeholders to develop and submit their comments.

DATES: The public comment period in the notice published on May 4, 2015 (80 FR 25237), is extended. Comments should be filed no later than October 1, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0044. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.
- *Comments that contain proprietary or sensitive information:* Please contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document to determine the most appropriate method for submitting these comments.

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: Carolyn Lauron, telephone: 301–415–2736, email: *Carolyn.Lauron@nrc.gov;* and Nishka Devaser, telephone: 301–415–5196, email: *Nishka.Devaser@nrc.gov.* Both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0044 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–2014–0044.
- *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–2014–0044 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 into ADAMS.

II. Background

On May 4, 2015, the NRC published an ANPR (80 FR 25237) for public comment to obtain input on the development of a regulatory basis. The

regulatory basis would support potential amendments to those regulations in appendix I of part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), which concern how NRC licensees demonstrate meeting the ''as low as is reasonably achievable'' standard with respect to effluents from nuclear power plants. The purpose of the potential amendments would be to more closely align the 10 CFR part 50, appendix I, regulations with the terminology and dose-related methodology published in ICRP Publication 103 (2007).

The ANPR identified specific questions and issues with respect to a possible revision of the NRC's regulations at 10 CFR part 50, appendix I, and associated guidance. Comments from members of the public and other stakeholders, including responses to the specific questions, will be considered by the NRC staff when it develops the regulatory basis. The public comment period was originally scheduled to close on September 1, 2015. The NRC received a request (ADAMS Accession No. ML15217A373) to extend the public comment period on the ANPR and is approving a one-time, 30-day extension, until October 1, 2015, to provide additional time for members of the public and other stakeholders to develop and submit their comments.

Dated at Rockville, Maryland, this 18th day of August 2015.

For the Nuclear Regulatory Commission.

Michael E. Mayfield,

Acting Director, Office of New Reactors.

[FR Doc. 2015–21072 Filed 8–24–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–STD–0006]

RIN 1904–AC55

Energy Conservation Standards for Commercial and Industrial Fans and Blowers: Availability of Provisional Analysis Tools and Notice of Data Availability

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Close of public comment period.

SUMMARY: The comment period for the Availability of Provisional Analysis Tools and Notice of Data Availability pertaining to the development of energy conservation standards for commercial and industrial fan and blower equipment published on May 1, 2015, closes on September 8, 2015.

DATES: The comment period for the Availability of Provisional Analysis Tools and Notice of Data Availability closes on September 8, 2015.

ADDRESSES: Any comments submitted must identify the framework document for commercial and industrial fans and blowers and provide docket number EERE–2013–BT–STD–0006 and/or RIN number 1904–AC55. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: CIFB2013STD0006@EE.Doe.Gov*. Include EERE–2013–BT–STD–0006 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, Framework Document for Commercial and Industrial Fans and Blowers, EERE–2013–BT–STD–0006, 1000 Independence Avenue SW., Washington, DC 20585–0121. Phone: (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *CIFansBlowers@ee.doe.gov*.

Mr. Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov*.

For further information on how to submit a comment and review other public comments and the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) published a proposed determination that commercial and industrial fans and blowers (fans) meet the definition of covered equipment under the Energy Policy and Conservation Act of 1975, as amended (76 FR 37628, June 28, 2011). As part of its further consideration of this determination, DOE has initiated a rulemaking to establish energy conservation standards for commercial and industrial fans and blowers. To date, DOE has published a notice of public meeting and availability of the framework document to consider such standards (78 FR 7306 (Feb. 1, 2013)), and two Availabilities of Provisional Analysis Tools and Notices of Data Availability (NODAs) (79 FR 73246 (Dec. 10, 2014), and 80 FR 24841 (May 1, 2015)). The second NODA provided for the submission of public comments through Fans and Blowers Working Group meetings established by the Appliance Standards Regulatory Advisory Committee (ASRAC), which concludes on September 8, 2015.

In addition to issuing these publications, DOE has participated in and provided support to the Fans and Blowers Working Group. In particular, the second NODA was published to inform the proceedings of the Working Group and serve as a starting point for its work. The proceedings of the Working Group, including revised analysis largely supersede the content of the May 2015 NODA. DOE encouraged stakeholders to provide any additional data or information and to submit comments on the content and analysis developed during the ASRAC Working Group process. Supporting material presented during the Working Group meetings and transcripts, as well as supporting documents including industry publications are available in the Fans and Blowers rulemaking docket at: *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0006*.

Given that the Fans and Blowers Working Group meetings will conclude by September 8, 2015, DOE believes that closing the comment period on September 8, 2015 will allow sufficient time for interested parties to submit comments. Accordingly, DOE will consider any comments received by September 8, 2015 to be timely submitted.

Issued in Washington, DC, on August 19, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–20963 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket Number EERE–2015–BT–STD–0008]

RIN 1904–AD52

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Dedicated Purpose Pool Pumps Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Notice of intent and announcement of public meeting.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice of a public meeting and that DOE intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate the proposal of new energy conservation standards for dedicated purpose pool pumps standards and to discuss certain aspects of the proposed Federal test procedure for pumps that would apply to dedicated purpose pool pumps. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposal to establish energy conservation standards and a test procedure for dedicated purpose pool pumps, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. (With respect to the test procedure, DOE is seeking to establish a consensus on specific aspects that would play a role in the manner in which this equipment would be tested.) The working group will consist of representatives of parties having a defined stake in the outcome of the proposed standards and amended test procedure, and will consult, as appropriate, with a range of experts on technical issues. The working group is expected to develop the necessary data, test procedure, and definitions for dedicated purpose pool pumps and provide a report back to ASRAC no later than December 29, 2015.

DATES: DOE will host a public meeting and webinar on September 30, 2015 from 9 a.m. to 5 p.m. in Room IE–245 and October 1, 2015 from 8 a.m. to 3 p.m. in Room 8E–089 Washington, DC.

Written comments and applications (*i.e.,* cover letter and resume) to be appointed as members of the working group are welcome and should be submitted by September 8, 2015.

ADDRESSES: U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Room IE–245 on September 30, 2015 and in Room 8E–089 on October 1, 2015. Individuals will also have the opportunity to participate by webinar. For webinar and call-in information, please visit *https://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/44.*

Interested person may submit comments and an application for membership (including a cover letter and resume), identified by docket number EERE–2015–BT–STD–0008 any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2015–BT–STD–0008 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: *asrac@ee.doe.gov* .

SUPPLEMENTARY INFORMATION:

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested
V. Public Participation
VI. Approval of the Office of the Secretary

I. Authority

DOE is announcing its intent to negotiate proposed energy conservation standards and establish a test procedure that would apply to dedicated purpose pool pumps, under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). These efforts to establish standards and a test procedure for dedicated purpose pool pumps through a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1) and 42 U.S.C. 6291 *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to discuss certain aspects related to testing and the potential development of proposed energy conservation standards for dedicated purpose pool pumps.

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to discuss certain test procedure amendments and develop proposed energy conservation standards for dedicated purpose pool pumps. The primary reason for using the negotiated rulemaking process for this product is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative

impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * *.'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department-centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register**, identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Energy Conservation Standards Regarding Dedicated Purpose Pool Pumps

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with the test procedures and energy efficiency of dedicated purpose pool pumps.

D. Department Commitment

In initiating this regulatory negotiation process to develop the test procedure and energy conservation standards for dedicated purpose pool pumps, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: Properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee for dedicated purpose pool pumps:

- Certain aspects of the proposed test procedure, including key test procedure conditions, as applicable; and
- All relevant data and proposals for definition of dedicated purpose pool pumps, leading to proposed energy conservation standards for dedicated purpose pool pumps.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a preliminary Technical Support Document or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceed 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it considers adding covered products and establishing energy efficiency standards for residential products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing dedicated purpose pool pump energy conservation standards. Section 562 of the NRA defines the term ''interest'' as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy efficiency of dedicated purpose pool pumps.

- The Department of Energy
- Trade Associations representing manufacturers of dedicated purpose pool pumps
- Manufacturers of dedicated purpose pool pumps and component manufacturers and related suppliers
- Distributors or contractors selling or installing dedicated purpose pool pumps
- Utilities
- Energy efficiency/environmental advocacy groups
- Consumers

One purpose of this notice of intent is to determine whether Federal regulations regarding dedicated purpose pool pumps will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately ten (10), one (1) to two (2) day meetings (with the potential for two (2) additional one (1) or two (2) day meetings);
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing list and submit written comments as appropriate.
- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.
- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (*e.g.,* researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her

constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained commitment for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

Under the framework that would be presented to ASRAC, the working group would be expected to provide a status report to ASRAC by December 29, 2015 so that ASRAC can determine next steps in the process, including negotiation of energy conservation standards for dedicated purpose pool pumps.

IV. Comments Requested

DOE requests comments on whether it should use the negotiated rulemaking process to address the issues addressed in this notice and if so, which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of dedicated purpose pool pumps. DOE also seeks suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Public Participation

Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; An Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); A military ID or other Federal government issued Photo-ID card.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of intent.

Issued in Washington, DC, on August 18, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2015–20979 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2013–BT–STD–0030]

RIN 1904–AD01

Energy Conservation Program for Certain Commercial and Industrial Equipment: Proposed Determination of Natural Draft Commercial Packaged Boilers as Covered Industrial Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed determination of coverage; withdrawal.

SUMMARY: The U.S. Department of Energy (DOE) withdraws its August 13, 2013, notice of proposed determination that natural draft commercial packaged boilers meet the criteria for covered equipment under Part A–1 of Title III of the Energy Policy and Conservation Act of 1975 (EPCA), as amended. 78 FR 49202. DOE is taking this action after consideration of comments received in response to the notice of proposed determination and other relevant rulemakings that indicate a common and long-standing understanding from interested parties that natural draft commercial packaged boilers are and have been covered equipment under part A–1 of Title III of EPCA.

DATES: The proposed determination is withdrawn August 25, 2015.

FOR FURTHER INFORMATION CONTACT:

Mr. James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8654. Email: *commercial_packaged_boilers@ee.doe.gov.*

Mr. Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority
II. Background
III. Discussion
IV. Approval of the Office of the Secretary

I. Authority

Title III, Part C [1] of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163, as amended, (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which includes commercial packaged boilers.[2] In addition to specifying a list of covered commercial and industrial equipment, EPCA contains provisions that enable the Secretary of Energy to classify additional types of commercial and industrial equipment as covered equipment. (42 U.S.C. 6311(1)(L))

II. Background

On August 13, 2013, the U.S. Department of Energy (DOE) published in the **Federal Register** a Notice of Proposed Determination (August 2013 NOPD) to clarify that natural draft commercial packaged boilers are covered equipment under EPCA. 78 FR 49202. Under EPCA, ''the term 'packaged boiler' means a boiler that is shipped complete with heating equipment, mechanical draft equipment, and automatic controls; usually shipped in one or more sections.'' (42 U.S.C. 6311(11)(B)) In the August 2013 NOPD, DOE sought to clarify its statutory authority to cover commercial packaged boilers that do not include mechanical draft equipment by proposing the following definition for natural draft commercial packaged boilers: The term ''natural draft commercial packaged boiler means a commercial packaged boiler designed to operate with negative pressure in the firebox and in the flue connection created by a chimney or the height of the unit itself, up to the draft control device. Such boilers do not require mechanical drafting equipment to vent combustion gases, but may include mechanical devices such as mechanical flue or stack dampers to limit the heat losses through the flue vent during off-cycle.'' 78 FR 49203. DOE also requested public comment on the proposed determination of coverage and proposed definition.

In parallel, DOE initiated a rulemaking to amend the energy conservation standards for commercial packaged boilers. On September 3, 2013, DOE published a notice of public meeting in the **Federal Register** that announced the availability of the framework document. 78 FR 54197. Subsequently, on November 20, 2014, DOE published another notice of public meeting (November 2014 NOPM) in the **Federal Register** that announced the availability of the preliminary analysis technical support document. 79 FR 69066. Both notices requested public comment from interested parties about various aspects of the rulemakings.

III. Discussion

DOE received several written comments that are relevant to the coverage determination of natural draft commercial packaged boilers in response both to the August 2013 NOPD and the November 2014 NOPM.

In response to the August 2013 NOPD, DOE received comments from the Air-Conditioning, Heating, and Refrigeration Institute (AHRI).

AHRI stated that the long time practices of both industry and DOE make clear that natural draft commercial packaged boilers are covered equipment subject to the efficiency standards established in accordance with EPCA, noting that the minimum efficiency standards specified for commercial boilers have been applied to all commercial packaged boiler models, natural draft or otherwise, for the past 20 years. AHRI further noted that the minimum efficiency standards specified for commercial boilers in American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) Standard 90.1, ''Energy Standard for Buildings Except Low-Rise Residential Buildings'' (upon which the Federal standards are based) have been applied to all models since the first edition of the standard more than 35 years ago, and asserted that there should be no question that natural draft commercial packaged boilers are covered equipment subject to DOE's efficiency standards. Finally, AHRI suggested that if it is necessary to prevent ambiguity in the definition, DOE simply edit the definition to clarify that a commercial packaged boiler is shipped with mechanical draft equipment only if required, which AHRI asserted reflects the proper reading that the definition covers all types of boilers. (AHRI, No. 7 at pp. 1–2) [3]

In response to the November 2014 NOPM, DOE received comments from various interested parties, including

[1] For editorial reasons, upon codification in the United States Code (U.S.C.), Part C was re-designated Part A–1.

[2] All references to EPCA in this document refer to the statute as amended through Energy Efficiency Improvement Act of 2015, Public Law 114–11 (April 30, 2015).

[3] A notation in the form ''AHRI, No. 7 at pp. 1–2'' identifies a written comment: (1) Made by AHRI; (2) recorded as comment number 7 in the docket of this rulemaking (Docket No. EERE–2013–BT–STD–0030) and available for review at *www.regulations.gov;* and (3) which appears on pages 1 and 2 of comment number 7.

AHRI and Raypak Inc. Raypak argued that the industry has recognized, and there should be no question, that natural draft boilers have been covered under EPCA for many years. (Raypak, No. 35 at p. 2) AHRI commented that the minimum efficiency standards specified for commercial packaged boilers in EPCA have been applied to all models including natural draft for the past 20 years. AHRI also restated its position from previous comments (discussed above) that there should be no question that natural draft commercial packaged boilers are covered equipment subject to DOE's standards. (AHRI, No. 37 at p. 2)

In summary, comments received from interested parties, both from the August 2013 NOPD and the November 2014 NOPM, support DOE's understanding that packaged boilers, as currently defined under EPCA, include natural draft packaged boilers. Therefore, DOE concludes that it is not necessary to publish a final coverage determination for natural draft commercial packaged boilers and is withdrawing its notice of proposed determination.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this withdrawal notice.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on August 14, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary Energy Efficiency and Renewable Energy.

[FR Doc. 2015–20970 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3146; Directorate Identifier 2014–NM–249–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777–200 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the skin lap splices at certain stringers in certain fuselage sections are subject to widespread fatigue damage (WFD). This proposed AD would require inspections to detect cracking of fuselage skin lap splices in certain fuselage sections, and corrective actions if necessary; modification of left-side and right-side lap splices; and post-modification repetitive inspections for cracks in the modified lap splices, and corrective actions if necessary. We are proposing this AD to detect and correct fatigue cracking of the skin lap splices, and consequent risk of sudden decompression and the inability to sustain limit flight and pressure loads.

DATES: We must receive comments on this proposed AD by October 9, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3146.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3146; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Aaidy@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3146; Directorate Identifier 2014–NM–249–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal

inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

During Model 777 fatigue testing, skin cracks were found at the stringer S–14 lap splice. These cracks initiated at scribe lines that were made inadvertently in production when maskant was removed from the skin panels. This condition, if not corrected, could result in fatigue cracking of the skin lap splices, and consequent reduced structural integrity of the airplane and could cause sudden decompression and the inability to sustain limit flight and pressure loads.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014. The service bulletin describes procedures for inspections to detect cracking of fuselage skin lap splices and repairs, modification to the skin lap splices; and repetitive inspections for cracks in the modified lap splices and repairs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

Other Related Service Information

Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, specifies concurrent accomplishment of an inspection of the fuselage skin for external scribe lines, skin cracks, and repair, which are described in Boeing Service Bulletin 777–53A0054, Revision 1, dated November 4, 2010. The actions described in Boeing Service Bulletin 777–53A0054, Revision 1, dated November 4, 2010, are required by AD 2013–07–11, Amendment 39–17415 (78 FR 22185, April 15, 2013); therefore, those actions are not required in this NPRM.

Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, describes doing inspections for cracks in the skin of the stringer lap splices and repair, which are also described in Boeing Alert Service Bulletin 777–53A0043, dated November 9, 2011. The actions described in Boeing Alert Service Bulletin 777–53A0043, dated November 9, 2011, are required by AD 2012–14–03, Amendment 39–17117 (77 FR 42962, July 23, 2012); therefore, those actions are not required in this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' Refer to Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, for information on the procedures and compliance times.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Explanation of Compliance Time

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Differences Between This Proposed AD and the Service Information

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Explanation of ''RC (Required for Compliance)'' Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The steps identified as RC (required for compliance) in any service information identified previously have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply: (1) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the

AD, and an AMOC is required for any deviations to RC steps, including substeps and identified figures; and (2) steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

Costs of Compliance

We estimate that this proposed AD affects 21 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and modification	2,713 work-hours × $85 per hour = $230,605.	$0	$230,605	$4,842,705.
Post-modification inspection	1,391 work-hours × $85 per hour = $118,235 per inspection cycle.	0	$118,235 per inspection cycle.	$2,482,935 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2015–3146; Directorate Identifier 2014–NM–249–AD.

(a) Comments Due Date

We must receive comments by October 9, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200 series airplanes, certified in any category; as identified in Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the skin lap splices at certain stringers in certain fuselage sections are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the skin lap splices, and consequent risk of sudden decompression and the inability to sustain limit flight and pressure loads.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspections and Corrective Actions

Except as provided by paragraph (h)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014: Do Part 1, inspection ''A,'' of the modification area for cracks; Part 2, inspection ''B,'' of the modification area for cracks; and Part 3, inspection ''C,'' of the modification area for scribe lines and cracks; as applicable; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, except as provided by paragraph (h)(2) of this AD. Do all applicable corrective actions before further flight.

(1) Inspection ''A'' includes an external phased array ultrasonic inspection for cracks in the lower/overlapped skin of the stringer S–14 left and right (L/R) lap splices between fuselage station 655 and station 1434, and an open hole high frequency eddy current (HFEC) inspection for skin cracks at the upper and lower fastener rows of the stringer lap splices.

(2) Inspection ''B'' includes the inspections specified in paragraphs (g)(2)(i) through (g)(2)(iv) of this AD.

(i) A detailed inspection for cracks of any skin panel common to a stringer lap splice

between fuselage station 655 and station 1434 that has a scribe line 0.001 inch or deeper.

(ii) Either an ultrasonic inspection or a surface HFEC inspection for cracks (depending on the location of the scribe line(s)) of any skin panel common to a stringer lap splice between fuselage station 655 and station 1434 that has a scribe line 0.001 inch or deeper.

(iii) An external phased array ultrasonic inspection for cracks in the lower/overlapped skin of the stringer S–14L/R lap splices between fuselage station 655 and station 1434.

(iv) An open hole HFEC inspection for skin cracks at the upper and lower fastener rows of the stringer lap splices.

(3) Inspection ''C'' includes the inspections for scribe lines and cracks specified in paragraphs (g)(3)(i), (g)(3)(ii), and (g)(3)(iii) of this AD on stringer S–14L/R lap splice between fuselage station 655 and station 1434 on both sides of the airplane.

(i) A detailed inspection for scribe lines. If any scribe line is found during the inspection required by this paragraph, the actions include the inspections specified in paragraphs (g)(3)(i)(A) and (g)(3)(i)(B) of this AD.

(A) A detailed inspection for cracks of the scribe line area(s).

(B) Either an ultrasonic inspection or a surface HFEC inspection for cracks (depending on the location of the scribe line(s)).

(ii) An external phased array ultrasonic inspection for cracks in the lower/overlapped skin of the stringer lap splices between fuselage station 655 and station 1434.

(iii) An open hole HFEC inspection for skin cracks at the upper and lower fastener rows of the stringer S–14L/R lap splices.

(h) Exceptions to Service Information Specifications

(1) Where Paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(2) If, during accomplishment of any inspection required by this AD, any condition is found for which Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, specifies to contact Boeing for special repair instructions or supplemental instructions for the modification, and specifies that action as ''RC'' (Required for Compliance): Before further flight, do the repair or modification using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(i) Lap Splice Modification

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014: Do the left-side and right-side lap splice modification, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, except as provided by paragraph (h)(2) of this AD.

(j) Post-Modification Inspections and Corrective Action

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014: Do a post-modification internal surface HFEC inspection for skin cracks in the modified lap splices on both sides of the airplane; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014, except as provided by paragraph (h)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the inspection of the modified lap splices thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0052, dated October 10, 2014.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9–ANM–Seattle–ACO–AMOC–Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Aaidy@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 17, 2015.

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20853 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3147; Directorate Identifier 2014–NM–094–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. This proposed AD was prompted by reports of fractured forward attach fittings of the inboard flap outboard aft flap track. The fractured fittings were determined to be the result of corrosion pits forming on the inside diameter of the fittings. This proposed AD would require an inspection for the affected part number and serial number of the main flap; various additional repetitive inspections of the fitting, if necessary; and replacement of the fitting or nested bushing installation, if necessary, which would terminate the inspections. This proposed AD would also provide for optional terminating action for the repetitive inspections. We are proposing this AD to detect and correct fracture of the fitting, which could result in the loss of the inboard aft flap and could lead to a punctured fuselage, causing injury to the flightcrew and passengers, and damage to the airplane.

DATES: We must receive comments on this proposed AD by October 9, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3147.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3147; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Lin, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–917–6412; fax: 425–917–6590; email: *Eric.Lin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3147; Directorate Identifier 2014–NM–094–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of fractured forward attach fittings of the inboard flap outboard aft flap track, and it is believed to be the result of corrosion pits forming on the inside diameter of the fittings. Four operators have reported finding four fractured forward attach fittings of the aft flap track of the inboard flap on airplanes with approximately 20,300 to 31,900 total flight hours and approximately 5,900 to 8,500 total flight cycles. In addition, two operators reported three cracked fittings on airplanes with approximately 29,300 to 35,700 total flight hours and approximately 5,200 to 7,900 total flight cycles. This condition, if not corrected, could result in the loss of the inboard aft flap and could lead to a punctured fuselage, causing injury to the flightcrew and passengers, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014. The service information describes procedures for an inspection for the affected part number and serial number of the main flap; various additional repetitive inspections of the fitting, if necessary; and replacement of the fitting or nested bushing installation, if necessary, which would eliminate the need for the inspections. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' Refer to this service information for details on the procedures and compliance times.

Explanation of ''RC'' Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The steps identified as Required for Compliance (RC) in any service information identified previously have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

For service information that contains steps that are labeled as RC, the following provisions apply: (1) the steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD, and an AMOC is required for any deviations to RC steps, including substeps and identified figures; and (2) steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

Differences Between This Proposed AD and the Service Information

Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, specifies groups 1, 2, 3, 4, and 5 airplanes as the effectivity. However, this proposed AD is applicable only to groups 1, 2, and 4 airplanes (Model 777–200, –200LR, –300, and –300ER airplanes) because the identified unsafe condition only affects these airplanes. For groups 3 and 5 airplanes (Model 777F airplanes), the

consequence of fitting fracture on these airplanes has not been determined to be an unsafe condition at this time. Therefore, we are not requiring inspections for groups 3 and 5 airplanes. We have coordinated this difference with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 148 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection to determine the part number.	3 work-hours × $85 per hour = $255.	$0	$255	$37,740.
Additional Inspections	Up to 7 work-hours × $85 per hour = $595, per cycle.	0	Up to $595, per cycle	Up to $88,060, per cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The nested bushing installation of the attach fitting and the fitting replacement are also optional terminating actions. We have no way of determining the number of aircraft on which these actions might be done.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Nested bushing installation of the attach fitting	40 work-hours × $85 per hour = $3,400	$45	$3,445.
Fitting replacement	73 work-hours × $85 per hour = $6,205	7,400	13,605.

According to the manufacturer, all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2015–3147; Directorate Identifier 2014–NM–094–AD.

(a) Comments Due Date

We must receive comments by October 9, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of fractured forward attach fittings of the inboard flap outboard aft flap track. The fractured fittings were determined to be the result of corrosion pits forming on the inside diameter of the fittings. We are issuing this AD to detect and correct fracture of the fitting, which could result in the loss of the inboard aft flap and could lead to a punctured fuselage, causing injury to the flightcrew and passengers, and damage to the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection To Determine the Part Number

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, except as provided by paragraph (l) of this AD: Do an inspection of the inboard flap of the main flap for affected part and serial numbers, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the inboard flap can be conclusively determined from that review.

(h) Additional Inspections

If any inboard flap of the main flap having an affected part number and serial number is found during the inspection required by paragraph (g) of this AD: Except as provided by paragraph (l) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, do the inspections specified in paragraph (h)(1) or (h)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, until a terminating action in paragraph (k)(1), (k)(2), or (k)(3) of this AD is done.

(1) At the forward attach fitting of the aft flap track of the inboard flap: Do a detailed inspection for cracking and bushing migration, and a high frequency eddy current inspection for cracking, in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(2) At the forward attach fitting of the aft flap track of the inboard flap: Do a detailed inspection for cracking and bushing migration, and an ultrasound inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(i) Corrective Action for Bushing Migration

If any bushing migration but no cracking is found during any inspection required by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, do the actions specified in paragraphs (i)(1) through (i)(3) of this AD. Accomplishment of a terminating action specified in paragraph (i)(3) or (k) of this AD terminates the actions required by this paragraph.

(1) Apply corrosion inhibiting compound BMS 3–23, Type II, around the bushing flanges on each side of the fitting, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014. Re-apply the corrosion inhibiting compound at the time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(2) Repeat the inspections specified in paragraph (h)(1) or (h)(2) of this AD, except inspect for cracking only.

(3) Do a terminating action specified in paragraph (i)(3)(i), (i)(3)(ii), or (i)(3)(iii) of this AD.

(i) Install a nested bushing to the forward attach fitting of the aft flap track of the inboard flap, in accordance with Part 4 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(ii) Replace the forward attach fitting of the aft flap track of the inboard flap with an aluminum fitting, in accordance with Part 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(iii) Replace the forward attach fitting of the aft flap track of the inboard flap with a titanium fitting, in accordance with Part 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(j) Corrective Actions for Cracking

If any cracking is found during any inspection required by paragraph (h) or (i)(3) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, do a terminating action specified in paragraph (j)(1) or (j)(2) of this AD. Replacement of the forward attach fitting as specified in paragraph (j)(1) or (j)(2) of this AD terminates the actions in this AD.

(1) Replace the forward attach fitting of the aft flap track of the inboard flap with an aluminum fitting, in accordance with Part 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(2) Replace the forward attach fitting of the aft flap track of the inboard flap with a titanium fitting, in accordance with Part 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014.

(k) Optional Terminating Actions

(1) Installation of the nested bushing to the forward attach fitting of the aft flap track of the inboard flap, in accordance with Part 4 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, terminates the requirements of this AD.

(2) Replacement of the forward attach fitting of the aft flap track of the inboard flap with an aluminum fitting, in accordance with Part 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, terminates the requirements of this AD.

(3) Replacement of the forward attach fitting of the aft flap track of the inboard flap with a titanium fitting, in accordance with Part 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, terminates the requirements of this AD.

(l) Exception to the Service Information

Where Boeing Special Attention Service Bulletin 777–57–0094, Revision 1, dated November 5, 2014, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(m) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraphs (h)(1) and (h)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–57–0094, dated January 29, 2014, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions specified in paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Multi Operator Message MOM–MOM–13–0137–01B, dated February 21, 2013, which is not incorporated by reference in this AD.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (o)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (n)(4)(i) and (n)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance

or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(o) Related Information

(1) For more information about this AD, contact Eric Lin, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–917–6412; fax: 425–917–6590; email: *Eric.Lin@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 17, 2015.

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20835 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3607; Directorate Identifier 2015–CE–010–AD]

RIN 2120–AA64

Airworthiness Directives; M7 Aerospace LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all M7 Aerospace LLC Models SA26–AT, SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA227–AT, SA227–TT, SA227–AC (C–26A), SA227–BC (C–26A), SA227–CC, and SA227–DC (C–26B) airplanes. This proposed AD was prompted by information that the airplane flight manual (AFM) does not provide adequate guidance in the handling of engine failures, which may lead to reliance on the negative torque system (NTS) for reducing drag. This condition could lead the pilot to not fully feather the propeller with consequent loss of control. This proposed AD would require inserting updates into the airplane flight manual (AFM) and/or the pilot operating handbook (POH) that will clearly establish that the NTS is not designed to automatically feather the propeller but only to provide drag protection. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 9, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact M7 Aerospace LLC, 10823 NE Entrance Road, San Antonio, Texas 78216; phone: (210) 824–9421; fax: (210) 804–7766; Internet: *http://www.elbitsystems-us.com;* email: *MetroTech@M7Aerospace.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3607; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Michael Heusser, Aerospace Engineer, FAA, Fort Worth Aircraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5038; fax: (817) 222–5960; email: *Michael.A.Heusser@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3607; Directorate Identifier 2015–CE–010–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The FAA received a report of an accident where an M7 Aerospace LLC Model SA227–AC airplane experienced left engine power loss and consequent loss of control. Training manuals provide descriptions of the negative torque system (NTS), which provides partial anti-drag protection if a negative torque condition is sensed. This feature might cause pilots to assume the system automatically provides full anti-drag protection in the event of an engine failure or power loss. The pilot must also take prompt action to fully feather the propeller on the failed engine to reduce drag. A pilot's sole reliance on the NTS for reducing drag in the event of engine power loss may result in the pilot's failure to initiate the Engine Failure Inflight checklist and feather the propellers in time.

This condition, if not corrected, could result in loss of control of the aircraft due to excessive asymmetric drag.

Related Service Information Under 1 CFR Part 51

We reviewed the following M7 Aerospace LLC AFM revisions:

- AFM revision dated May 14, 2015, section III, SA26–AT Dash One;
- AFM revision dated May 14, 2015, section III, SA26–AT Dash Two;
- AFM revision B–33, sections i and III, SA226–AT, dated November 14, 2014;
- AFM revision A–29, sections i and III, SA226–T, dated November 14, 2014;
- AFM revision B–29, sections i and 3, SA226–T(B), dated November 14, 2014;
- AFM revision A–43, sections i and III, SA226–TC, dated November 14, 2014;

- AFM (4AC) revision B–11, sections 0 and 3, SA227–AC, dated November 14, 2014;
- AFM (4MC) revision A–12, sections 0 and 3, SA227–AC, dated November 14, 2014;
- AFM (6AC) revision A–16, sections 0 and 3, SA227–AC, dated November 14, 2014;
- AFM (7AC) revision B–19, sections 0 and 3, SA227–AC, dated November 14, 2014;
- AFM (7MC) revision A–13, sections 0 and 3, SA227–AC, dated November 14, 2014;
- AFM (8AC) revision A–15, sections 0 and 3, SA227–AC, dated November 14, 2014;
- Pilot operating handbook (POH)/AFM (4AT) revision A–12, sections 0 and 3, SA227–AT, dated November 14, 2014;
- POH/AFM (6AT) revision 13, sections 0 and 3, SA227–AT, dated November 14, 2014;
- POH/AFM (6AT), section 7, revision 7, SA227–AT, dated November 14, 2014;
- POH/AFM (7AT) revision B–12, sections 0 and 3, SA227–AT, dated November 14, 2014;
- POH/AFM (8AT) revision 13, sections 0 and 3, SA227–AT, dated November 14, 2014;
- AFM (6BC) revision 21, sections 0 and 3, SA227–BC, dated November 14, 2014;
- AFM (6CC) revision 17, sections 0 and 3, SA227–CC, dated November 14, 2014;
- AFM (6DC) revision 34, sections 0 and 3, SA227–DC, dated November 14, 2014;
- AFM (8DC) revision 8, sections 0 and 3, SA227–DC, dated November 14, 2014;
- POH/AFM revision 15, sections 0 and 3, SA227–TT Fairchild 300, dated November 14, 2014;
- POH/AFM revision 13, sections 0 and 3, SA227–TT Fairchild 312, dated November 14, 2014;
- POH/AFM revision 29, sections 0 and 3, SA227–TT, dated November 14, 2014.

The M7 Aerospace LP service information describes procedures for inflight engine shutdown procedures. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

In addition, minimum controllable airspeed for single engine landing is being investigated for possible future action.

Proposed AD Requirements

This proposed AD would require updates be inserted into the AFM that will clearly establish that the NTS is not designed to automatically feather the propeller but only to provide drag protection.

The proposed requirements do not address anything on the above-referenced minimum controllable airspeed for single engine landing.

Costs of Compliance

We estimate that this proposed AD affects 360 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Insert revision into the appropriate AFM describing action to take when feathering propellers in the event of engine failure.	.5 work-hour × $85 per hour = $42.50.	Not applicable	$42.50	$15,300.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive.

(AD): M7 Aerospace LP: Docket No. FAA–2015–3607; Directorate Identifier 2015–CE–010–AD.

(a) Comments Due Date

We must receive comments by October 9, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to M7 Aerospace LLC Models SA26–AT, SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA227–AT, SA227–TT, SA227–AC (C–26A), SA227–BC (C–26A), SA227–CC, and SA227–DC (C–26B) airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 01, Operations Information.

(e) Unsafe Condition

This AD was prompted by information that a pilot's sole reliance on the NTS for reducing drag in the event of engine power loss may result in the pilot's failure to initiate the Engine Failure Inflight checklist and feather the propellers in time. This could lead the pilot to not fully feather the propeller with consequent loss of control. We are issuing this AD to add information to the AFM and/or POH that reliance on the NTS to reduce drag during an engine failure could lead the pilot to not fully feather the propeller with consequent loss of control.

(f) Compliance

Comply with this AD within 30 days after the effective date of this AD, unless already done.

(g) Actions

Incorporate the applicable M7 Aerospace LLC AFM revisions as listed in paragraphs (g)(1) through (g)(12) of this AD:

(1) *For Model SA26–AT Dash One airplanes:* Insert pages III–1 through III–6, revised May 14, 2015; and pages III–7 through III–8, FAA Approved May 14, 2015; into the Merlin Model SA–26AT Dash One AFM.

(2) *For Model SA26–AT Dash Two airplanes:* Insert pages III–1 through III–6, revised May 14, 2015; and pages III–7 through III–8, FAA Approved May 14, 2015; into the Merlin Model SA–26AT Dash Two AFM.

(3) *For Model SA226–T airplanes:* Insert pages III–2 though III–26, revised November 14, 2014, into the Swearingen Merlin SA226–T AFM, Reissue A, dated June 28, 1976.

(4) *For Model SA226–AT airplanes:* Insert pages III–2 through III–30, revised November 14, 2014, into the Merlin SA226–AT AFM, Reissue B, dated May 6, 1977.

(5) *For Model SA226–T(B) airplanes:* Insert pages 3–2, Emergency Procedures, through page 3–20, Emergency Procedures, revised November 14, 2014; and pages 3–21 through 3–24, Emergency Procedures, issued November 14, 2014; into the Merlin SA226–T(B) AFM, Reissue B, dated November 2, 1979.

(6) *For Model SA226–TC airplanes:* Insert pages III–2 through page III–24, revised November 24, 2014; and pages III–25 through III–32, FAA Approved November 14, 2014; into the Metro SA226–TC AFM, Reissue A, dated December 1, 1976.

(7) *For Model SA227–AT airplanes:*

(i) *Model 4AT:* Insert pages 3–4 through 3–30, Emergency Procedures, revised November 14, 2014; and pages 3–31 through 3–34, Emergency Procedures, FAA Approved November 14, 2014; into the SA227–AT (4AT) pilot operating handbook (POH)/AFM, Reissue A, dated November 30, 1988;

(ii) *Model 6AT:* Insert pages 3–4 through 3–36, FAA Approved, Emergency Procedures, revised November 14, 2014, into the SA227–AT (6AT) POH/AFM, dated May 13, 1987.

(iii) *Model 7AT:* Insert pages 3–4 through 3–30, Emergency Procedures, revised December 9, 2014, and pages 3–31 through 3–34, FAA Approved December 9, 2014, into the SA227–AT (7AT) POH/AFM, Reissue B, dated November 30, 1988.

(iv) *Model 8AT:* Insert pages 3–4 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–34, FAA Approved December 9, 2014; into the SA227–AT (8AT) POH/AFM, dated May 13, 1987.

(8*) For Model SA227–TT Fairchild 300 airplanes:* Insert page 3–3 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–34, Emergency Procedures, FAA Approved December 9, 2014; into the SA227–TT Fairchild 300 POH/AFM, Reissue A, dated August 7, 1981.

(9) *For Model SA227–TT Fairchild 312 airplanes:* Insert page 3–3, Emergency Procedures, revised December 9, 2014; pages 3–5 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–32, Emergency Procedures, FAA Approved December 9, 2014; into the Model SA227–TT Fairchild 300 (312) 12,500 LBS POH/AFM, dated October 4, 1981.

(10) *For Model SA227–TT Fairchild Merlin IIIC airplanes:* Insert pages 3–3 through 3–24, revised December 9, 2014, and pages 3–25 through 3–32, issued December 9, 2014; into the SA227–TT Merlin IIIC POH/AFM, Reissue A, dated August 7, 1981.

(11) *For Model SA227–AC (4AC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised November 14, 2014; into the SA227–AC AFM, Reissue B, dated November 7, 1990.

(12) *For Model SA227–AC (4MC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised November 14, 2014; and pages 3–31 through 3–36, Emergency Procedures, FAA Approved November 14, 2014, into the SA227–AC AFM, Reissue A, dated May 22, 1989.

(13) *For Model SA227–AC (7AC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–34, Emergency Procedures, FAA Approved December 9, 2014, into the SA227–AC AFM, Reissue B, dated April 2, 1986.

(14) *For Model SA227–AC (7MC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–34, Emergency Procedures, FAA Approved December 9, 2014, into the SA227–AC AFM, Reissue A, dated May 22, 1989.

(15) *For Model SA227–AC (8AC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–34, Emergency Procedures, FAA Approved December 9, 2014, into the SA227–AC AFM, Reissue A, dated May 22, 1989

(16) *For Model SA227–AC (6AC) airplanes:* Insert pages 3–3 through 3–20, Emergency Procedures, revised November 14, 2014; into the SA227–AC AFM, Reissue A, dated May 22, 1989.

(17) *For Model SA227–AC (6BC) airplanes:* Insert pages 3–3 through 3–30, Emergency Procedures, revised November 14, 2014; and pages 3–31 through 3–36, Emergency Procedures, FAA Approved November 14, 2014, into the SA227–BC AFM, dated September 25, 1989.

(18) *For Model SA227–DC (6DC) airplanes:* Insert pages 3–3 through 3–26, Emergency Procedures, revised December 9, 2014; and pages 3–27 through 3–32, Emergency Procedures, FAA Approved December 9, 2014, into the SA227–DC AFM, dated August 23, 1991.

(19) *For Model SA227–BC (C–26A) airplanes:* Insert pages 3–4 through 3–30, Emergency Procedures, revised December 9, 2014; and pages 3–31 through 3–36, Emergency Procedures, FAA Approved December 9, 2014; into the SA227–BC AFM, dated September 25, 1989.

(20) *For Model SA227–CC (6CC) airplanes:* Insert pages 3–3 through 3–24, Emergency Procedures, revised December 9, 2014; and pages 3–25 through 3–30, Emergency Procedures, FAA Approved December 9, 2014; into the SA227–CC AFM, dated December 11, 1992.

(21) *For Model SA227–DC (8DC) airplanes:* Insert pages 3–3 through 3–26, Emergency Procedures, revised December 9, 2014; and pages 3–27 through 3–32, Emergency Procedures, FAA Approved December 9, 2014; into the SA227–DC AFM.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) For more information about this AD, contact Michael Heusser, Aerospace Engineer, FAA, Fort Worth Aircraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5038; fax: (817) 222–5960; email: *Michael.A.Heusser@faa.gov.*

(2) For service information identified in this AD, contact M7 Aerospace LLC, 10823 NE Entrance Road, San Antonio, Texas 78216; phone: (210) 824–9421; fax: (210)

804–7766; Internet: *http://www.elbitsystems-us.com;* email: *MetroTech@M7Aerospace.com*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued in Kansas City, Missouri, on August 19, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–20977 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0739; Airspace Docket No. 14–AWP–11]

RIN 2120–AA66

Proposed Modification of Restricted Area R–7201; Farallon De Medinilla Island; Mariana Islands, GU

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to expand the lateral boundary of restricted area R–7201, Farallon De Medinilla Island, Mariana Islands, GU. The expanded restricted airspace would be used to support strategic and attack bombing, close air support bombing, naval gunfire, and strafing and special operations training. This action also proposes to rename the restricted area from R–7201 to R–7201A.

DATES: Comments must be received on or before October 9, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2015–0739 and Airspace Docket No. 14–AWP–11, at the beginning of your comments. You may also submit comments through the Internet at *www.regulations.gov.* Comments on environmental and land use aspects should be directed to: Naval Facilities Engineering Command Pacific, Attention: MIRC Airspace EA/OEA Project Manager, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134.

FOR FURTHER INFORMATION CONTACT: Jason Stahl, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the restricted area airspace at Farallon De Medinilla Island, Mariana Islands, GU, to enhance aviation safety and accommodate essential U.S. Navy training requirements.

Background

The Department of the Navy is seeking to expand R–7201 out from its current 3-nautical mile (NM) radius to a 12-NM radius. The proposed action is needed in order to support training activities that involve the use of advanced weapons systems which the current airspace does not sufficiently and safely provide. The Navy and other services require fully capable training and testing range complexes (land, sea, and airspace) that provide realistic and controlled environments with sufficient surface Danger Zones (DZs) and Special Use Airspace vital for safety and mission success.

Farrallon de Medinilla (FDM) consists of the island land mass and the restricted airspace designated R–7201. The land mass is approximately 1.7 miles long and 0.3 miles wide. It contains a live-fire and inert bombing range and supports live-fire and inert engagements such as surface-to-ground and air-to-ground gunnery, bombing and missile exercises, fire support, and precision weapons. Restricted Area R–7201 surrounds FDM and the surrounding waters within a 3-NM radius from center extending from the surface to Flight Level (FL) 600. FDM and R–7201 are the Department of Defense's (DOD) only United States controlled range in the western Pacific available to forward-deployed forces for live-fire and inert training. For this reason, it plays a unique role in national defense. R–7201's location is ideal for access and availability and its relative isolation facilitates a variety of attack profiles.

Due to Guam and the Commonwealth of the Northern Mariana Islands' (CNMI) strategic location and DOD's ongoing reassessment of the Western Pacific military alignment, there has been a dramatic increase in the importance of the Mariana Islands Range Complex (MIRC) as a training venue and its capabilities to support required military training. Flight training profiles, altitudes and speed are severely restricted to ensure containment due to the small size of the current restricted area. In order to fully exploit the capabilities of modern weapons systems and provide the required training scenarios that replicate conditions encountered during deployments today, it is necessary to expand R–7201 laterally. This action would enable the military to continue to achieve and maintain service readiness using the MIRC to support and conduct current, emerging, and future training activities. The proposed R–7201 expansion would support naval gun fire training, readiness and the utilization of advanced lasers with Nominal Ocular Hazard Distance that exceed the current 3 NM constraints of the existing airspace. Additionally, the expansion would serve to support the U.S. Air Force's Intelligence, Surveillance and Reconnaissance (ISR)/Strike program. It is anticipated that a 45 percent increase in operations and training would occur within the expanded airspace and will accommodate an increased training tempo, newer aircraft and weapon systems that are commensurate with the ISR/Strike mission that the current airspace cannot support.

The Navy has leased FDM from CNMI since 1971 and in 1983 negotiated a 50-year lease with an option to renew for another 50 years. No maneuver training is permitted on FDM and the nearshore waters are leased to the U.S. for military purposes, specifically for use as a live fire naval gunfire and air warfare air strike training range. As such, FDM and its nearshore area have always been an off-limits area to all personnel both civilian and military due to unexploded ordnance concerns. In addition to the proposed R–7201 expansion, the DZ around FDM would be expanded to 12 NM to align with the proposed restricted airspace. The DZ would restrict all private and commercial vessels from entering the area only when hazardous activities are scheduled.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0739 and Airspace Docket No. 14–AWP–11) 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 *www.regulations.gov.*

Commenters 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 FAA Docket No. FAA–2015–0739 and Airspace Docket No. 14–AWP–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. 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 through the Internet at *www.regulations.gov.*

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

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to expand the lateral dimensions of restricted area R–7201, Farallon De Medinilla Island, Mariana Islands, GU and rename it R–7201A. The proposed R–7201A would be the minimum size required for containing stand-off weapons employment, naval gun fire training, and laser activities conducted there. The actual usage of the restricted area is estimated to be 4–5 days per week, 3–6 hours per day with 1,680 sorties per year.

The proposed R–7201A boundary would extend the current boundary from 3 NM to 12 NM from latitude 16°01′04″ N., longitude 146°03′31″ E.

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. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 will be subjected to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 is amended 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.

§ 73.72 Guam [Amended]

■ 2. § 73.72 is amended as follows:

R–7201 Farallon De Medinilla Island Mariana Islands, GU [Removed]

R–7201A Farallon De Medinilla Island Mariana Islands, GU [New]

Boundaries: Beginning at latitude 16°01′04″ N., longitude 146°03′31″ E.; extending outward in a 12 NM radius.

Altitudes: Surface up to and including FL 600.

Times of Use: As scheduled by NOTAM 12 hours in advance.

Controlling Agency: FAA, Guam Center/Radar Approach Control.

Using Agency: Commander, Naval Forces, Marianas.

Issued in Washington, DC, on August 19, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–21084 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0369; FRL–9932–90–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to the Utah Division of Administrative Rules, R307–300 Series; Area Source Rules for Attainment of Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval and conditional approval of portions of the fine particulate matter ($PM_{2.5}$) State Implementation Plan (SIP) and other general rule revisions submitted by the State of Utah. The revisions affect the Utah Division of Administrative Rules (DAR), R307–300 Series; Requirements for Specific Locations; the revisions had submission dates of February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December

9, 2014. These area source rules control emissions of direct $PM_{2.5}$ and $PM_{2.5}$ precursors, sulfur dioxides (SO_2), nitrogen oxides (NOx) and volatile organic compounds (VOC). Additionally, the EPA will be proposing to approve the State's reasonably available control measure (RACM) determinations for the rule revisions that pertain to the $PM_{2.5}$ SIP. This action is being taken under section 110 of the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before September 24, 2015.

ADDRESSES: Submit your comments, identified by EPA–R08–OAR–2014–0369, by one of the following methods:

- *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email: ostigaard.crystal@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2014–0369. 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 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 be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

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 hard copy. Publicly-available docket materials are available at *http://www.regulations.gov* or at the EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202–1129. EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays. An electronic copy of the State's SIP compilation is also available at *http://www.epa.gov/region8/air/sip.html.*

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

a. *Submitting CBI.* Do not submit CBI to EPA through *http://www.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.

b. *Tips for Preparing Your Comments.* When submitting comments, remember to:

i. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. Regulatory Background

On October 17, 2006 (71 FR 61144), the EPA strengthened the level of the 24-hour $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), lowering the primary and secondary standards from 65 micrograms per cubic meter ($\mu g/m^3$), the 1997 standard, to 35$\mu g/m^3$. On November 13, 2009 (74 FR 58688), the EPA designated three nonattainment areas in Utah for the 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$. These are the Salt Lake City, UT; Provo, UT; and Logan, UT–ID nonattainment areas. The EPA originally designated these areas under CAA title I, part D, subpart 1, which required Utah to submit an attainment plan for each area no later than three years from the date of their nonattainment designations. These plans needed to provide for the attainment of the $PM_{2.5}$ standard as expeditiously as practicable, but no later than five years from the date the areas were designated nonattainment.

Subsequently, on January 4, 2013, the U.S. Court of Appeals for the District of Columbia held that the EPA should have implemented the 2006 $PM_{2.5}$ 24-hour standard based on both CAA title I, part D, subpart 1 and subpart 4. Under

subpart 4, nonattainment areas are initially classified as moderate, and moderate area attainment plans must address the requirements of subpart 4 as well as subpart 1. Additionally, CAA subpart 4 sets a different SIP submittal due date and attainment year. For a moderate area, the attainment SIP is due 18 months after designation and the attainment year is the end of the sixth calendar year after designation. On June 2, 2014 (79 FR 31566), the EPA finalized the Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS (''the Classification and Deadline Rule''). This rule classified to moderate the areas that were designated in 2009 as nonattainment, and set the attainment SIP submittal due date for those areas at December 31, 2014. This rule did not affect the moderate area attainment date of December 31, 2015.

On March 23, 2015, the EPA proposed the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (''$PM_{2.5}$ Implementation Rule''), 80 FR 15340, which partially addresses the January 4, 2013 court ruling. This proposed rule details how air agencies should meet the statutory SIP requirements that apply under subparts 1 and 4 to areas designated nonattainment for any $PM_{2.5}$ NAAQS, such as: General requirements for attainment plan due dates and attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures; Nonattainment New Source Review (NNSR) permitting programs; and RACM (including reasonably available control technology (RACT)), among other things. The statutory attainment planning requirements of subparts 1 and 4 were established to ensure that the following goals of the CAA are met: (i) That states implement measures that provide for attainment of the $PM_{2.5}$ NAAQS as expeditiously as practicable; and, (ii) that states adopt emissions reduction strategies that will be the most effective, and the most cost-effective, at reducing $PM_{2.5}$ levels in nonattainment areas.

The $PM_{2.5}$ Implementation Rule proposed a process for states to determine the control strategy for $PM_{2.5}$ attainment plans. The process consists of identifying all technologically and economically feasible control measures, including control technologies for all sources of direct $PM_{2.5}$ and $PM_{2.5}$ precursors in the emissions inventory for the nonattainment area which are not otherwise exempted from consideration for controls.[1] From that list of measures, the state must identify those that it can implement within four years of designation of the area (and which would thus meet the statutory requirements for RACM and RACT) and any ''additional reasonable measures,'' which EPA is proposing in the $PM_{2.5}$ Implementation Rule to define as those technologically and economically feasible measures that the state can only implement on sources in the nonattainment area after the four year deadline for RACM and RACT has passed. *See* proposed 40 CFR 51.1000.

B. RACT and RACM Requirements for $PM_{2.5}$ Attainment Plans

Section 172(c)(1) of the Act (from subpart 1) requires that attainment plans, in general, provide for the implementation of all RACM as expeditiously as practicable (including RACT) and shall provide for attainment of the national primary ambient air quality standards. Section 189(a)(1)(C) (from subpart 4) requires moderate area attainment plans to contain provisions to assure that RACM is implemented no later than four years after designation.

The EPA stated its interpretation of the RACT and RACM requirements of subparts 1 and 4 in the 1992 General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498 (Apr. 6, 1992). For RACT, the EPA followed its ''historic definition of RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 57 FR 13541. Like RACT, the EPA has historically considered RACM to consist of control measures that are reasonably available, considering technological and economic feasibility. *See* $PM_{2.5}$ Implementation Rule, 80 FR 15373.

C. Utah's $PM_{2.5}$ Attainment Plan Submittals

Prior to the January 4, 2013 decision of the DC Circuit Court of Appeals, Utah developed a $PM_{2.5}$ attainment plan intended to meet the requirements of subpart 1. The EPA submitted written comments dated November 1, 2012 to the Utah Division of Air Quality (DAQ) on Utah's draft $PM_{2.5}$ SIP, technical support document (TSD), and area source and other rules. After the court's decision, Utah amended its attainment plan to address requirements of subpart 4. On December 2, 2013, the EPA provided comments on Utah's revised draft $PM_{2.5}$ SIPs for the Salt Lake City and Provo areas, including the TSDs and rules in Section IX, Part H. These written comments from EPA included some comments applicable to the rules we are proposing to act on today. The comment letters can be found within the docket for this action on *www.regulations.gov*.

In addition to Utah's February 2, 2012 SIP submittal, on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 the State of Utah submitted to EPA various revisions to the Division of Administrative Rules (DAR), Title R307—Environmental Quality, set of rules, most of which are applicable to the Utah SIP for $PM_{2.5}$ nonattainment areas. The new rules or revised rules we are addressing in this proposed rule were provided by Utah in the nine different submissions listed above, and these rules are: R307–101–2, General Requirements: Definitions; R307–103, Administrative Procedures; R307–303, Commercial Cooking; R307–307, Road Salting and Sanding; R307–312, Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas; R307–328, Gasoline Transfer and Storage; R307–335, Degreasing and Solvent Cleaning Operations; R307–342, Adhesives and Sealants; R307–343 Emissions Standards for Wood Furniture Manufacturing Operations; R307–344, Paper, Film, and Foil Coatings; R307–345, Fabric and Vinyl Coatings; R307–346, Metal Furniture Surface Coatings; R307–347, Large Appliance Surface Coatings; R307–348, Magnet Wire Coatings; R307–349, Flat Wood Panel Coatings; R307–350, Miscellaneous Metal Parts and Products Coatings; R307–351, Graphic Arts; R307–352, Metal Container, Closure, and Coil Coatings; R307–353, Plastic Parts Coatings; R307–354, Automotive Refinishing Coatings; R307–355, Control of Emissions from Aerospace Manufacture and Rework Facilities; R307–356, Appliance Pilot Light; R307–357, Consumer Products; and R307–361, Architectural Coatings.

A previous rule, Rule R307–340 Surface Coating Processes, was replaced in these submittals by the specific rules for coatings listed above. Utah correspondingly repealed R307–340. In addition, Rule R307–342, Adhesives and Sealants, replaces an unrelated rule, R307–342 Qualifications of Contractors and Test Procedures for Vapor Recovery

[1] Such exemptions could be due to a demonstrated lack of significant contribution of a certain $PM_{2.5}$ precursor to the area's elevated $PM_{2.5}$ concentrations or due to a presumptive determination that a certain source category contributes only a *de minimis* amount toward $PM_{2.5}$ levels in a nonattainment area.

Systems for Gasoline Delivery Tanks. The removal of the previous version of R307–342 is addressed by the State's February 2, 2012 submittal, which repeals R307–342 and amends R307–328, Gasoline Transfer and Storage, to account for the repeal of R307–342.

The final Utah submittal for fourteen of these rules was the December 9, 2014 submittal. The final Utah submittals for the remaining rules were from the February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, and August 6, 2014 submittals. For each individual rule, the particular submittal containing the final version of the rule is identified in the technical support document provided in the docket for this proposed action.

III. EPA's Evaluation of Utah's Submittals

The SIP revisions in the February 2, 2012, May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 submittals that we are proposing to act on involve revisions to the DAR, Title R307—Environmental Quality, R307–101–2 General Requirements: Definitions; R307–103, Administrative Procedures; and the R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas). A number of the rules were submitted in multiple submission packages. The final, most recent submission package for each individual rule supersedes earlier submissions, and our proposed determination for each rule takes all changes from those earlier submissions into account. These final rule submissions, except for revisions to R307–101–2, R307–103, and R307–328, and the repeal of R307–342, are submitted and requested for approval as RACM components of the $PM_{2.5}$ SIP submitted by the State of Utah. EPA is also taking action on two rule revisions that do not pertain to the Utah $PM_{2.5}$ SIPs which include revisions to R307–328 and the repeal of R307–342. All of these rule revisions found in these submittals can be found on *www.regulations.gov.*

The rules for RACM for area sources fall into two types. First, there are a number of similar rules for control of VOC emissions. These rules cover categories of area sources that use materials that contain VOCs, and also in some cases categories of area sources that manufacture or produce these materials.[2] The second type of rule provide specific requirements for emissions of direct $PM_{2.5}$, VOCs, NOx, and SO_2 from a few specific categories of sources.[3]

For the first type of rule, Utah generally allows area sources to comply in two ways. One is through use or production of materials with specified VOC content levels. The other is through use of add-on controls. For use of materials, in most rules sources can demonstrate compliance through manufacturer's data sheets. For add-on controls, the State has provided specific test methods to determine the efficiency of the controls.

The following is a summary of EPA's evaluation of the rule revisions. The details of our evaluation are provided in a TSD that is available in the docket for this action. In general, we reviewed the rules for: enforceability; RACM requirements (for those rules submitted as RACM); and other applicable requirements of the Act.

With respect to enforceability, section 110(a)(2)(A) of the Act requires SIP provisions such as emission limitations to be enforceable, and sections 110(a)(2)(F)(i) and (F)(ii) require plans to contain certain types of provisions related to enforceability, such as source monitoring, as prescribed by the Administrator. 40 CFR part 51, subpart K, Source Surveillance, prescribes requirements that plans must meet in this respect. 40 CFR Section 51.211 requires plans to contain legally enforceable procedures for owners or operators of stationary sources to maintain records and report information to the State in order to determine whether the source is in compliance. 40 CFR Section 51.212 requires plans to, among other things, contain enforceable test methods for each emission limit in the plan. Appropriate test methods may be selected from Appendix M to 40 CFR part 51 or Appendix A to 40 CFR part 60, or a state may use an alternative method following review and approval of that method by the EPA.

Our review of the rules for enforceability revealed a few potential issues. First, certain rules did not clearly identify the test method that should be used to determine compliance. On August 4, 2015, the State provided a clarification letter that addresses this issue. Second, certain rules specified use of an ''equivalent method'' for compliance. This can create issues for enforceability of the provision under section CAA 110(a)(2)(C), as well as potentially violating the requirement of section 110(i) that SIP requirements for stationary sources can only be changed (with certain limited exceptions) through the SIP revision process. The State has provided a letter on August 4, 2015 that commits to provide a specific SIP revision to either remove the provision for use of an equivalent method, or to specify the other methods that can be used for compliance. Details of our analysis are in the docket for this rulemaking.

For review of the State's RACM analyses, the EPA proposes to adopt the interpretation of RACM set out in the General Preamble, 57 FR 13498, 13540–13544 (April 6, 1992), and described in the March 23, 2015 proposed $PM_{2.5}$ Implementation Rule. That is, RACM consists of the control measures that are reasonably available considering technological and economic feasibility. This includes EPA's longstanding interpretation that economic feasibility ''involves considering the cost of reducing emissions and the difference between the cost of an emissions reduction measure at a particular source and the cost of emissions reduction measures that have been implemented at other similar sources in the same or other areas.'' 80 FR 15373–74.

Our detailed review of the State's RACM analyses for the rules we are acting on is provided in a TSD in the docket for this action. We did not review whether Utah's $PM_{2.5}$ attainment plan as a whole addresses all necessary requirements for RACM under subparts 1 and 4. Based on our review, we are proposing to approve the State's submission that the particular rules we are acting on constitute RACM for the covered source categories, but we are not proposing to approve the $PM_{2.5}$ attainment plan as a whole with respect to RACM requirements. We will act on the remainder of the attainment plan in a separate action.

Finally, we reviewed all rules for compliance with other requirements of the Act. This review revealed a potential issue with one provision in the general definitions in R307–101–2. The provision defined ''$PM_{2.5}$ precursor'' to

[2] The rules of this type are: R307–335, Degreasing and Solvent Cleaning Operations; R307–342, Adhesives and Sealants; R307–343 Emissions Standards for Wood Furniture Manufacturing Operations; R307–344, Paper, Film, and Foil Coatings; R307–345, Fabric and Vinyl Coatings; R307–346, Metal Furniture Surface Coatings; R307–347, Large Appliance Surface Coatings; R307–348, Magnet Wire Coatings; R307–349, Flat Wood Panel Coatings; R307–350, Miscellaneous Metal Parts and Products Coatings; R307–351, Graphic Arts; R307–352, Metal Container, Closure, and Coil Coatings; R–307–353, Plastic Parts Coatings; R307–354, Automotive Refinishing Coatings; R307–355, Control of Emissions from Aerospace Manufacture and Rework Facilities; R307–357, Consumer Products; and R307–361, Architectural Coatings.

[3] The rules of this type are: R307–303, Commercial Cooking; R307–307, Road Salting and Sanding; R307–312, Aggregate Processing Operations for $PM_{2.5}$ Nonattainment Areas; and R307–357, Appliance Pilot Light.

include specifically only VOC, SO_2, and NO_X. As a factual matter, ammonia (NH_3) is also a precursor to $PM_{2.5}$, and at a minimum $PM_{2.5}$ attainment plans should include inventories of all $PM_{2.5}$ precursors.[4] However, after review by UDAQ and EPA, we found that this definition was not used anywhere in Utah's SIP and could be removed. On August 4, 2015, the State provided a commitment letter to address the issue by removing the definition of $PM_{2.5}$ precursor.

IV. What action is EPA proposing?

EPA is proposing approval of the revisions to Administrative Rules R307–101–2 and R307–103, along with the additions/revisions/repeals in R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas), R307–303, R307–307, R307–312 (conditionally approved, see below), R307–335, R307–340 (repealed), R307–342 (repealed and replaced), R307–343, R307–344, R307–345, R307–346, R307–347, R307–348, R307–349, R307–350, R307–351, R307–352, R307–353, R307–354, R307–355, R307–356, R307–357, and R307–361 for incorporation to the Utah SIP as submitted by the State of Utah on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014. We are proposing to approve Utah's determination that the above rules in R307–300 Series; Requirements for Specific Locations (Within Nonattainment and Maintenance Areas) constitute RACM for the Utah $PM_{2.5}$ SIP for the specific source categories addressed; however, we are not proposing to determine that Utah's $PM_{2.5}$ attainment plan has met all requirements regarding RACM under subparts 1 and 4 of Part D, title I of the Act. We intend to act separately on the remainder of Utah's $PM_{2.5}$ attainment plan.

EPA is proposing to conditionally approve revisions to R307–312 and R307–328. Additionally, EPA is proposing to conditionally approve Utah's determination that R307–312 constitutes RACM for the Utah $PM_{2.5}$ SIP for aggregate processing operations. As stated above, we are not proposing to determine that Utah's $PM_{2.5}$ attainment plan has met all requirements regarding RACM under subparts 1 and 4 of Part D, title I of the Act. Under section 110(k)(4) of the Act, EPA may approve a SIP revision based on a commitment by the State to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. On August 4, 2015, Utah submitted a commitment letter to adopt and submit specific revisions within one year of our final action on these submittals; specifically to remove the phrase ''or equivalent method'' in one rule and to specify three equivalent methods in the other rule. If we finalize our proposed conditional approval, Utah must adopt and submit the specific revisions it has committed to within one year of our finalization. If Utah does not submit these revisions within one year, or if we find Utah's revisions to be incomplete, or we disapprove Utah's revisions, this conditional approval will convert to a disapproval. If any of these occur and our conditional approvals convert to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which starts an 18-month clock for sanctions, see CAA section 179(a)(2), and the two-year clock for a federal implementation plan (FIP), see CAA section 110(c)(1)(B).

Finally, EPA is proposing to approve the repeal of R307–342, Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks, submitted by DAQ on February 2, 2012.

V. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and public hearing.

The Utah SIP revisions that the EPA is proposing to approve do not interfere with any applicable requirements of the Act. The DAR section R307–300 Series submitted by the DAQ on May 9, 2013, June 8, 2013, February 18, 2014, April 17, 2014, May 20, 2014, July 10, 2014, August 6, 2014, and December 9, 2014 are intended to strengthen the SIP and to serve as RACM for certain area sources for the Utah $PM_{2.5}$ SIP. The repeal of R307–340 does not weaken the Utah SIP or the Ozone Maintenance Plan as a number of the new or revised rules addressing surface coatings take the place of R307–340 in total, and are as or more protective than R307–340. The revision to R307–328, Gasoline Transfer and Storage, and the repeal of R307–342, Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks, submitted on by DAQ February 2, 2012, do not weaken the Utah SIP or the Ozone Maintenance Plan, because R307–328 replaces the testing requirements for trucks in R307–342 with the federal Maximum Achievable Control Technology (MACT) requirements. Finally, Utah's submittals provide adequate evidence that the revisions were adopted after reasonable public notices and hearings. Therefore, CAA section 110(l) requirements are satisfied.

VI. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the DAQ rules promulgated in the DAR, R307–300 Series as discussed in section III, *EPA's Evaluation of Utah's Submittals,* of this preamble. 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).

VII. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

[4] The $PM_{2.5}$ Implementation Rule proposes options for how states should substantively address control of these precursors.

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 10, 2015.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2015–20895 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 510

[CMS–5516–CN]

RIN 0938–AS64

Medicare Program; Comprehensive Care for Joint Replacement Payment Model for Acute Care Hospitals Furnishing Lower Extremity Joint Replacement Services; Corrections

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects technical and typographical errors that appeared in the proposed rule published in the July 14, 2015 **Federal Register** entitled ''Medicare Program; Comprehensive Care for Joint Replacement Payment Model for Acute Care Hospitals Furnishing Lower Extremity Joint Replacement Services.''

DATES: The comment due date for the proposed rule published in the **Federal Register** on July 14, 2015 (80 FR 41198) remains September 8, 2015.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–17190 of July 14, 2015 (80 FR 41198), there were a number of technical and typographical errors that are identified and corrected in the Correction of Errors section of this document.

II. Summary of Errors

On page 41210, in our discussion of the factors considered but not used in creating proposed strata, we inadvertently omitted a term and used an incorrect term.

On pages 41212 and 41269, we made errors in referencing the name of the Comprehensive Care for Joint Replacement (CCJR) model.

On pages 41223 and 41224, in our discussion of the proposed pricing adjustment for high payment episodes, we made errors in describing the distribution model presented in Figure 2.

On page 41234, in our discussion of the proposed combination of CCJR episodes anchored by Medical Severity Diagnosis-Related Groups (MS–DRGs) 469 and 470, we made an error in the unpooled hospital-specific historical average payments calculation for MS–DRG 469 anchored target prices.

On pages 41235 and 41236, in our discussion of the proposed approach to combine pricing features, we made an error in the placement and the language of a sentence that was part of the bulleted text.

On page 41240, in the discussion of the criteria for applicable hospitals and performance scoring, we made errors in stating the percentage of eligible elective primary total hip arthroplasty/total knee arthoplasty (THA/TKA) patients for which hospitals must submit data and the timeframe for the submission of data.

On pages 41241 and 41242, we made errors in stating a National Quality Forum (NQF) measure number.

On page 41250, in the discussion of the accounting for CCJR reconciliation payments and repayments in other models and programs, we inadvertently omitted a word.

On page 41251, in the discussion of the accounting for per beneficiary per month (PBPM) payments in the episode definition, we made an error in stating the total number of models with PBPMs.

On pages 41268, 41270, and 41278, we made typographical errors in footnotes 42, 43, and 55, respectively. These errors include omitting the title of the article that was referenced, omitting the text of the footnote, and inadvertently adding a reference to a footnote.

On page 41283, in the discussion of ''Case Mix Adjustment,'' we inadvertently omitted a term.

On pages 41242, 41281, and 41284, we made technical and typographical errors in using the acronyms ''CCJR-,'' ''HCAHPS,'' and ''THA''.

On page 41285, in our discussion of pre-operative assessments, we made errors in our designation of several bulleted paragraphs.

On pages 41287 and 41288, Table 16, we made errors in the table formatting and omitted language that would identify the entries pertaining to the duration of the performance period.

III. Correction of Errors

In FR Doc. 2015–17190 of July 14, 2015 (80 FR 41198), make the following corrections:

1. On page 41210, first column, fifth full paragraph, lines 1 through 3, the phrase ''these measures are proposed to be part of the selection stratus'' is corrected to read ''these measures are not proposed to be part of the selection strata''.

2. On page 41212, lower half of the page, second column, first paragraph, lines 1 and 2, the phrase ''Coordinated Quality Care-Joint Replacement'' is corrected to read ''Comprehensive Care for Joint Replacement''.

3. On page 41223, third column, last paragraph, lines 7 through 12, the sentence ''Similarly, we believe the BPCI distribution of Model 2 90-day LEJR episode payment amounts as displayed in Figure 1 provides information that is relevant to policy development regarding CCJR episodes.'' is corrected to read ''Similarly, we believe the distribution of 90-day LEJR episode payment amounts utilizing the BPCI Model 2 episode definition as displayed in Figure 2 provides information that is relevant to policy development regarding CCJR episodes.''.

4. On page 41224, top of the page, in the figure heading (Figure 2), the heading ''FIGURE 2: ESTIMATED NATIONAL DISTRIBUTION of BPCI MODEL 2 LEJR 90-day EPISODE PAYMENT AMOUNTS'' is corrected to read ''FIGURE 2: ESTIMATED NATIONAL DISTRIBUTION OF LEJR 90-day EPISODE PAYMENT AMOUNTS''.

5. On page 41234, first column, first full paragraph, line 11, the phrase ''hospital weight'' is corrected to read ''anchor factor''.

6. On page 41235, third column—

a. Sixth bulleted paragraph, last line, the phrase ''the previous step.'' is corrected to read ''the previous step. We have posted region-specific historical average episode payments on the CCJR proposed rule Web site at *http://innovation.cms.gov/initiatives/ccjr/*.''.

b. Last bulleted paragraph, lines 12 through 13, and page 41236, first column, first partial paragraph, lines 1 through 3, the sentence, ''We have posted region-specific pooled historical average episode payments on the CCJR proposed rule Web site at *http://innovation.cms.gov/initiatives/ccjr/*.'' is corrected by removing the sentence.

7. On page 41240—

a. Second column, last bulleted paragraph, line 3, the figure ''70'' is corrected to read ''80''.

b. Third column—

(1) First full paragraph (bulleted), line 3, the phrase ''12 month'' is corrected to read ''performance''.

(2) Second full paragraph, line 30, the figure ''70'' is corrected to read ''80''.

8. On page 41241—

a. Top of the page, second column, first partial paragraph, line 27, the parenthetical reference ''(NQF #1661)'' is corrected to read ''(NQF #0166)''.

b. Lower third of the page, in the table titled ''TABLE 8—QUALITY MEASURE WEIGHTS IN COMPOSITE QUALITY SCORE'', first column of the table (Quality measure), line 3, the parenthetical reference ''(NQF #1661)'' is corrected to read ''(NQF #0166)''.

9. On page 41242, top third of the page, third column, first full paragraph, line 9—

a. The acronym ''HCAPHS'' is corrected to read ''HCAHPS''.

b. The parenthetical reference ''(NQF #1661)'' is corrected to read ''(NQF #0166)''.

10. On page 41250, third column, first full paragraph, line 12, the phrase ''to be able make'' is corrected to read ''to be able to make''.

11. On page 41251, second column, first full paragraph, line 2, the phrase ''four existing models'' is corrected to read ''active models''.

12. On page 41268, second column, last paragraph, the footnote (footnote 42), ''[42] Naylor MD, Brooten D, Campbell R, Jacobsen BS, Mezey MD, Pauly MV, Schwartz JS. JAMA. 1999: 281(7): 613–620. doi:10/1001/jama.281.7.613'' is corrected to read ''[42] Naylor MD, Brooten D, Campbell R, Jacobsen BS, Mezey MD, Pauly MV, Schwartz JS. Comprehensive discharge planning and home follow-up of hospitalized elders: A randomized clinical trial. JAMA. 1999: 281(7): 613–620. doi:10/1001/jama.281.7.6136.''.

13. On page 41269—

a. Second column, second full paragraph, lines 28 and 29, the phrase ''Coordinated quality care-joint replacement model'' is corrected to read ''Comprehensive Care for Joint Replacement model''.

b. Third column, first partial paragraph, lines 5 and 6, the phrase ''Medicare-approved coordinated quality care-Joint Replacement model)'' is corrected to read ''Medicare-approved Comprehensive Care for Joint Replacement model)''.

14. On page 41270, third column, following the last paragraph, is corrected by adding the following footnoted paragraph (Footnote 43):

''[43] Telehealth in an Evolving Health Care Environment: Workshop Summary (2012). Available at: *http://www.ic4n.org/wp-content/uploads/2014/06/IoM-Telehealth-2012-Workshop-Summary.pdf*. Accessed on June 7, 2015.''

15. On page 41278, second column, third footnoted paragraph (Footnote 55) ''[55] Soohoo NF, Farng E, Lieberman JR, Chambers L, Zingmond DS. Factors That Predict Short-term Complication Rates After Total Hip Arthroplasty. Clin Orthop Relat Res. Sep 2010; 468(9): 2363–2371. Cram P, Vaughn-Sarrazin MS, Wolf B, Katz JN, Rosenthal GE. A comparison of total hip and knee replacement in specialty and general hospitals. J Bone Joint Surg Am. Aug 2007; 89(8): 1675–1684.'' is corrected to read ''[55] Soohoo NF, Farng E, Lieberman JR, Chambers L, Zingmond DS. Factors that predict short-term complication rates after total hip arthroplasty. Clin Orthop Relat Res. Sep 2010; 468(9): 2363–2371.''.

16. On page 41281, second column, last partial paragraph, line 1, the phrase ''We note that CCJR—we chose to align'' is corrected to read ''We note that we chose to align''.

17. On page 41283, first column, sixth bulleted paragraph, the phrase ''discharge and survey.'' is corrected to read ''discharge and survey completion.''.

18. On page 41284—

a. First column, first partial paragraph, line 44, the acronym ''HCAPHS'' is corrected to read ''HCAHPS''.

b. Second column, first partial paragraph, line 7, the phrase ''THA THA/TKA patient-reported'' is corrected to read ''THA/TKA patient-reported''.

19. On page 41285, second column, second bulleted paragraph—

a. Line 17, the phrase ''—PROMIS'' is corrected to read ''++ PROMIS''.

b. Line 29, the phrase ''—American Society'' is corrected to read ''++ American Society''.

c. Line 33, the phrase ''—Total painful'' is corrected to read ''++ Total painful''.

d. Line 34, the phrase ''—Quantified spinal'' is corrected to read ''++ Quantified spinal''.

20. On pages 41287 and 41288, the table titled ''TABLE 16—EXAMPLE OF POTENTIAL PERFORMANCE PERIODS FOR PRE- AND POST-OPERATIVE THA/TKA VOLUNTARY DATA SUBMISSION'' is corrected to read as follows:

TABLE 16—EXAMPLE OF POTENTIAL PERFORMANCE PERIODS FOR PRE- AND POST-OPERATIVE THA/TKA VOLUNTARY DATA SUBMISSION

CCJR Model year	Performance period	Duration of the performance period (months)	Patient population eligible for THA/TKA voluntary data submission	Requirements for successful THA/TKA voluntary data submission *
2016	April 1, 2016 through June 30, 2016.	3	All patients undergoing elective primary THA/TKA procedures performed between April 1, 2016 and June 30, 2016.	Submit PRE-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between April 1, 2016 and June 30, 2016.
2017	April 1, 2016 through June 30, 2016.	15	All patients undergoing elective primary THA/TKA procedures performed between April 1, 2016 and June 30, 2016.	Submit POST-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between April 1, 2016 and June 30, 2016.
2017	July 1, 2016 through June 30, 2017.		All patients undergoing elective primary THA/TKA procedures performed between July 1, 2016 and June 30, 2017.	Submit PRE-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2016 and June 30, 2017.
2018	July 1, 2016 through June 30, 2017.	24	All patients undergoing elective primary THA/TKA procedures performed between July 1, 2016 and June 30, 2017.	Submit POST-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2016 and June 30, 2017.
2018	July 1, 2017 through June 30, 2018.		All patients undergoing elective primary THA/TKA procedures performed between July 1, 2017 and June 30, 2018.	Submit PRE-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2017 and June 30, 2018.
2019	July 1, 2017 through June 30, 2018.	24	All patients undergoing elective primary THA/TKA procedures performed between July 1, 2017 and June 30, 2018.	Submit POST-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2017 and June 30, 2018.
2019	July 1, 2018 through June 30, 2019.		All patients undergoing elective primary THA/TKA procedures performed between July 1, 2018 and June 30, 2019.	Submit PRE-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2018 and June 30, 2019.
2020	July 1, 2018 through June 30, 2019.	24	All patients undergoing elective primary THA/TKA procedures performed between July 1, 2018 and June 30, 2019.	Submit POST-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2018 and June 30, 2019.
2020	July 1, 2019 through June 30, 2020.		All patients undergoing elective primary THA/TKA procedures performed between July 1, 2019 and June 30, 2020.	Submit PRE-operative data on primary elective THA/TKA procedures for ≥80% of procedures performed between July 1, 2019 and June 30, 2020.

* Requirements for determining successful submission of THA/TKA voluntary data are located in section III.D.3.a.(9). of this proposed rule.

Dated: August 19, 2015.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2015–20994 Filed 8–21–15; 11:15 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2015–0070;4500030114]

RIN 1018–BA91

Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Marbled Murrelet

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), request public comment in regard to our designation of critical habitat for the marbled murrelet (*Brachyramphus marmoratus*) under the Endangered Species Act of 1973, as amended (Act). The current designation includes approximately 3,698,100 acres (1,497,000 hectares) of critical habitat in the States of Washington, Oregon, and California. We are reconsidering this designation for the purpose of assessing whether all of the designated areas meet the statutory definition of critical habitat. Because our proposed determination is that all areas currently designated do meet the statutory definition, we are not proposing any changes to the boundaries of the specific areas identified as critical habitat at this time. We seek public comment on our proposed determination.

DATES: We will consider comments received or postmarked on or before October 26, 2015. Please note that comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final determination.

ADDRESSES: Comment submission: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R1–ES–2015–0070, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R1–ES–2015–

0070; Division of Policy, Performance, and Management Programs, U.S. Fish & Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Information Requested section below for more information).

FOR FURTHER INFORMATION CONTACT: Eric V. Rickerson, State Supervisor, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503–1273 (telephone 360–753–9440, facsimile 360–753–9008); Paul Henson, State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266, telephone 503–231–6179, facsimile 503–231–6195; Bruce Bingham, Field Supervisor, U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521, telephone 707–822–7201, facsimile 707–822–8411; Jennifer Norris, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825, telephone 916–414–6700, facsimile 916–414–6713; or Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003, telephone 805–644–1766, facsimile 805–644–3958. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of this document. On May 24, 1996, we published in the **Federal Register** a final rule designating 3,887,800 acres (ac) (1,573,340 hectares (ha)) of critical habitat for the marbled murrelet (61 FR 26256) in the States of Washington, Oregon, and California. On October 5, 2011, we published in the **Federal Register** a final rule revising critical habitat for the marbled murrelet (76 FR 61599), resulting in the removal of approximately 189,671 ac (76,757 ha) of critical habitat in the States of Oregon and California. We are reconsidering the 1996 final rule, as revised in 2011, for the purpose of assessing whether all of the designated areas meet the statutory definition of critical habitat. We are not proposing any changes to the boundaries of the specific areas identified as critical habitat.

Why we need to reconsider the rule. In 2012, the American Forest Resource Council (AFRC) and other parties filed suit against the Service, challenging the designation of critical habitat for the marbled murrelet, among other things. After this suit was filed, the Service concluded that the 1996 rule that first designated critical habitat for the marbled murrelet, as well as the 2011 rule that revised that designation, did not comport with recent case law holding that the Service should specify which areas were occupied at the time of listing, and should further explain why unoccupied areas are essential for conservation of the species. Hence, the Service moved for a voluntary remand of the critical habitat rule, requesting until September 30, 2015, to issue a proposed rule, and until September 30, 2016, to issue a final rule. On September 5, 2013, the court granted the Service's motion, leaving the current critical habitat rule in effect pending completion of the remand.

The basis for our action. Under the Act, any species that is determined to be an endangered or threatened species shall, to the maximum extent prudent and determinable, have habitat designated that is considered to be critical habitat. Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best scientific data available after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. Section 4 of the Act and its implementing regulations (50 CFR 424) set forth the procedures for designating or revising critical habitat for listed species.

We considered the economic impacts of this proposed rule. Our evaluation of the potential economic impacts of this rulemaking regarding critical habitat for the marbled murrelet is provided in this document; we seek public review of our analysis.

Information Requested

We will base any final action on the best scientific data available. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) What areas within the currently designated critical habitat for the marbled murrelet were occupied at the time of listing and contain features essential to the conservation of the species;

(2) Special management considerations or protection that may be needed in critical habitat areas, including managing for the potential effects of climate change;

(3) What areas within the currently designated critical habitat are essential for the conservation of the species and why; and

(4) Information on the extent to which the description of economic impacts in this document is a reasonable estimate of the likely economic impacts of our proposed determination.

We will consider all comments and information received during the comment period on this proposed rulemaking during our preparation of a final determination.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b) of the Act directs that determinations regarding the designation of critical habitat, or revisions thereto, must be made ''on the basis of the best scientific data available.''

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific information you include.

In making a final decision on this matter, we will take into consideration the comments and any additional information we receive. Comments and materials received, as well as some of the supporting documentation used in the preparation of a final determination, will be available for public inspection on *http://www.regulations.gov.* All information we use in making our final rule will be available by appointment, during normal business hours, at the U.S. Fish and Wildlife Service,

Washington Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

For additional information on previous Federal actions concerning the marbled murrelet, refer to the final listing rule published in the **Federal Register** on October 1, 1992 (57 FR 45328), the final rule designating critical habitat published in the **Federal Register** on May 24, 1996 (61 FR 26256), and the final revised critical habitat rule published in the **Federal Register** on October 5, 2011 (76 FR 61599). In the 1996 final critical habitat rule, we designated 3,887,800 ac (1,573,340 ha) of critical habitat in 32 units on Federal and non-Federal lands. On September 24, 1997, we completed a recovery plan for the marbled murrelet in Washington, Oregon, and California (USFWS 1997, entire). On January 13, 2003, we entered into a settlement agreement with AFRC and the Western Council of Industrial Workers, whereby we agreed to review the marbled murrelet critical habitat designation and make any revisions deemed appropriate after a revised consideration of economic and any other relevant impacts of designation. On April 21, 2003, we published in the **Federal Register** a notice initiating a 5-year review of the marbled murrelet (68 FR 19569), and published a second information request for the 5-year review on July 25, 2003 (68 FR 44093). The 5-year review evaluation report was finished in March 2004 (McShane *et al.* 2004), and the 5-year review was completed on August 31, 2004.

On September 12, 2006, we published in the **Federal Register** a proposed revision to critical habitat for the marbled murrelet, which included adjustments to the original designation and proposed several exclusions under section 4(b)(2) of the Act (71 FR 53838). On June 26, 2007, we published in the **Federal Register** a document announcing the availability of a draft economic analysis (72 FR 35025) related to the September 12, 2006, proposed critical habitat revision (71 FR 53838). On March 6, 2008, we published a notice in the **Federal Register** (73 FR 12067) stating that the critical habitat for marbled murrelet should not be revised due to uncertainties regarding U.S. Bureau of Land Management (BLM) revisions to its District Resource Management Plans in western Oregon, and this notice fulfilled our obligations under the settlement agreement.

On July 31, 2008, we published in the **Federal Register** a proposed rule to revise currently designated critical habitat for the marbled murrelet by removing approximately 254,070 ac (102,820 ha) in northern California and Oregon from the 1996 designation (73 FR 44678). A second 5-year review was completed on June 12, 2009. On January 21, 2010, in response to a May 28, 2008, petition to delist the California/Oregon/Washington distinct population segment (DPS) of the marbled murrelet and our subsequent October 2, 2008, 90-day finding concluding that the petition presented substantial information (73 FR 57314), we published a 12-month finding notice in the **Federal Register** (75 FR 3424) determining that removing the marbled murrelet from the Federal List of Endangered and Threatened Wildlife (50 CFR 17.11) was not warranted. We also found that the Washington/Oregon/California population of the marbled murrelet is a valid DPS in accordance with the discreteness and significance criteria in our 1996 DPS policy (February 7, 1996; 61 FR 4722) and concluded that the DPS continues to meet the definition of a threatened species under the Act.

On October 5, 2011, we published in the **Federal Register** a final rule revising the critical habitat designation for the marbled murrelet (76 FR 61599). This final rule removed approximately 189,671 ac (76,757 ha) in northern California and southern Oregon from the 1996 designation, based on new information indicating these areas did not meet the definition of critical habitat for the marbled murrelet, resulting in a final revised designation of approximately 3,698,100 ac (1,497,000 ha) of critical habitat in Washington, Oregon, and California.

On January 24, 2012, AFRC filed suit against the Service to delist the marbled murrelet and vacate critical habitat. On March 30, 2013, the U.S. District Court for the District of Columbia granted in part AFRC's motion for summary judgment and denied a joint motion for vacatur of critical habitat pending completion of a voluntary remand. Following this ruling, the Service moved for a remand of the critical habitat rule, without vacatur, in light of recent case law setting more stringent requirements on the Service for specifying how designated areas meet the definition of critical habitat. On September 5, 2013, the district court ordered the voluntary remand without vacatur of the critical habitat rule, and set deadlines of September 30, 2015, for a proposed rule and September 30, 2016, for a final rule. The court ruled in favor of the Service regarding the Service's denial of plaintiffs' petition to delist the species, and that ruling was affirmed on appeal. See *American Forest Resource Council* v. *Ashe*, 946 F. Supp. 2d 1 (D.D.C. 2013), aff'd 2015 U.S. App. LEXIS 6205 (D.C. Cir., Feb. 27, 2015).

Background

A final rule designating critical habitat for the marbled murrelet was published in the **Federal Register** on May 24, 1996 (61 FR 26256). A final rule revising the 1996 designation of critical habitat for the marbled murrelet was published in the **Federal Register** on October 5, 2011 (76 FR 61599). Both of these rules are available under the ''Supporting Documents'' section for this docket in the Federal eRulemaking Portal: *http://www.regulations.gov* at Docket Number FWS–R1–ES–2015–0070. It is our intent to discuss only those topics directly relevant to the 1996 and revised 2011 designations of critical habitat for the marbled murrelet. A complete description of the marbled murrelet, including a discussion of its life history, distribution, ecology, and habitat, can be found in the May 24, 1996, final rule (61 FR 26256) and the final recovery plan (USFWS 1997).

In this document, we are reconsidering the final rule designating critical habitat for the marbled murrelet (May 24, 1996; 61 FR 26256, as revised on October 5, 2011; 76 FR 61599). The current designation consists of approximately 3,698,100 ac (1,497,000 ha) of critical habitat in Washington, Oregon, and California. The critical habitat consists of 101 subunits: 37 in Washington, 33 in Oregon, and 31 in California. We are reconsidering the final rule for the purpose of evaluating whether all areas currently designated meet the definition of critical habitat under the Act. We describe and assess each of the elements of the definition of critical habitat, and evaluate whether these statutory criteria apply to the current designation of critical habitat for the marbled murrelet. In order to conduct this evaluation, here we present the following relevant information:

I. The statutory definition of critical habitat.
II. A description of the physical or biological features essential to the conservation of the marbled murrelet, for the purpose of evaluating whether the areas designated as critical habitat provide these essential features.
III. The primary constituent elements for the marbled murrelet.
IV. A description of why those primary constituent elements may require special management considerations or protection.
V. Our standard for defining the geographical areas occupied by the species at the time of listing.
VI. The evaluation of those specific areas within the geographical area occupied at the time of listing for the purpose of determining whether designated critical

habitat meets the definition under section 3(5)(A)(i) of the Act.

VII. An additional evaluation of all critical habitat to determine whether the designated units meet the test of being essential to the conservation of the species, under section 3(5)(A)(ii) of the Act. We conduct this analysis to assess whether all areas of critical habitat meet the statutory definition under either of the definition's prongs, regardless of occupancy. This approach is consistent with the ruling in *Home Builders Ass'n of Northern California* v. *U.S. Fish and Wildlife Service*, 616 F.3d 983 (9th Cir.), *cert. denied* 131 S.Ct. 1475 (2011), in which the court upheld a critical habitat rule in which the Service had determined that the areas designated, whether occupied or not, met the more demanding standard of being essential for conservation.

VIII. Restated correction to preamble language in 1996 critical habitat rule.

IX. Effects of critical habitat designation under section 7 of the Act.

X. As required by section 4(b)(2) of the Act, consideration of the potential economic impacts of this proposed rule.

XI. Proposed determination that all areas currently designated as critical habitat for the marbled murrelet meet the statutory definition under the Act.

I. Critical Habitat

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Under the first prong of the Act's definition of critical habitat in section 3(5)(a)(i), areas within the geographical area occupied by the species at the time it was listed may be included in critical habitat if they contain physical or biological features: (1) Which are essential to the conservation of the species; and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical and biological features within an area, we focus on the primary biological or physical constituent elements (primary constituent elements such as roost sites, nesting grounds, seasonal wetlands, water quality, tide, soil type) that are essential to the conservation of the species. Primary constituent elements (PCEs) are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Under the second prong of the Act's definition of critical habitat in section 3(5)(A)(ii), we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon the Secretary's determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential for the conservation of the species and may be included in the critical habitat designation. In addition, if critical habitat is designated or revised subsequent to listing, we may designate areas as critical habitat that may currently be unoccupied but that were occupied at the time of listing. We designate critical habitat in areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.

II. Physical or Biological Features

Here we describe the physical or biological features essential to the conservation of the marbled murrelet, for the purpose of evaluating whether these features are present within the areas designated as critical habitat for this reconsideration of the final rule.

We identified the specific physical or biological features essential for the conservation of the marbled murrelet from studies of this species' habitat, ecology, and life history as described below. Additional information can be found in the final listing rule published in the **Federal Register** on October 1, 1992 (57 FR 45328), and the Recovery Plan for the Marbled Murrelet (USFWS 1997). In the 1996 final critical habitat rule (May 24, 1996; 61 FR 26256), we relied on the best available scientific information to describe the terrestrial habitat used for nesting by the marbled murrelet. For this 2015 rule reconsideration, the majority of the following information is taken directly from the 1996 final critical habitat rule, where the fundamental physical or biological features essential to the marbled murrelet as described therein remain valid (described in the section titled *Ecological Considerations*) (May 24, 1996; 61 FR 26256).

Where newer scientific information is available that refutes or validates the information presented in the 1996 final critical habitat rule, that information is provided here and is so noted. However, this proposed rule does not constitute a complete summary of all new scientific information on the biology of the marbled murrelet since 1996. Because this rule reconsideration addresses the 1996 final critical habitat, as revised in 2011 (October 5, 2011; 76 FR 61599), which designated critical habitat only in the terrestrial environment, the following section will solely focus on the terrestrial nesting habitat features. Forested areas with conditions that are capable of supporting nesting marbled murrelets are referred to as ''suitable nesting habitat.'' Loss of such nesting habitat was the primary basis for listing the marbled murrelet as threatened; hence protection of such habitat is essential to the conservation of the species. We consider the information provided here to represent the best available scientific data with regard to the physical or biological features essential for the marbled murrelet's use of terrestrial habitat.

Throughout the forested portion of the species' range, marbled murrelets typically nest in forested areas containing characteristics of older forests (Binford *et al.* 1975, p. 305; Quinlan and Hughes 1990, entire; Hamer and Cummins 1991, pp. 9–13; Kuletz 1991, p. 2; Singer *et al.* 1991, pp. 332–335; Singer *et al.* 1992, entire; Hamer *et al.* 1994, entire; Hamer and Nelson 1995, pp. 72–75; Ralph *et al.* 1995a, p. 4). The marbled murrelet population in Washington, Oregon, and California nests in most of the major types of coniferous forests (Hamer and Nelson 1995, p. 75) in the western portions of these states, wherever older forests remain inland of the coast. Although marbled murrelet nesting habitat characteristics may vary throughout the range of the species, some general habitat attributes are characteristic throughout its range, including the presence of nesting platforms, adequate canopy cover over the nest, landscape condition, and distance to the marine environment (Binford *et al.* 1975, pp. 315–316; Hamer and Nelson 1995, pp. 72–75; Ralph *et al.* 1995b, p. 4; McShane *et al.* 2004, p. 4–39).

Individual tree attributes that provide conditions suitable for nesting (*i.e.,* provide a nesting platform) include large branches (ranging from 4 to 32 in (10 to 81 cm), with an average of 13

inches (in) (32 centimeters (cm)) in Washington, Oregon, and California) or forked branches, deformities (*e.g.,* broken tops), dwarf mistletoe infections, witches' brooms, and growth of moss or other structures large enough to provide a platform for a nesting adult marbled murrelet (Hamer and Cummins 1991, p. 15; Singer *et al.* 1991, pp. 332–335; Singer *et al.* 1992, entire; Hamer and Nelson 1995, p. 79). These nesting platforms are generally located greater or equal to 33 feet (ft) (10 meters (m)) above ground (reviewed in Burger 2002, pp. 41–42 and McShane *et al.* 2004, pp. 4–55–4–56). These structures are typically found in old-growth and mature forests, but may be found in a variety of forest types including younger forests containing remnant large trees. Since 1996, research has confirmed that the presence of platforms is considered the most important characteristic of marbled murrelet nesting habitat (Nelson 1997, p. 6; reviewed in Burger 2002, pp. 40, 43; McShane *et al.* 2004, pp. 4–45–4–51, 4–53, 4–55, 4–56, 4–59; Huff *et al.* 2006, pp. 12–13, 18). Platform presence is more important than the size of the nest tree because tree size alone may not be a good indicator of the presence and abundance of platforms (Evans Mack *et al.* 2003, p. 3). Tree diameter and height can be positively correlated with the size and abundance of platforms, but the relationship may change depending on the variety of tree species and forest types marbled murrelets use for nesting (Huff *et al.* 2006, p. 12). Overall, nest trees in Washington, Oregon, and northern California have been greater than 19 in (48 cm) diameter at breast height (dbh) and greater than 98 ft (30 m) tall (Hamer and Nelson 1995, p. 81; Hamer and Meekins 1999, p. 10; Nelson and Wilson 2002, p. 27).

Northwestern forests and trees typically require 200 to 250 years to attain the attributes necessary to support marbled murrelet nesting, although characteristics of nesting habitat sometimes develop in younger coastal redwood (*Sequoia sempervirens*) and western hemlock (*Tsuga heterophylla*) forests. Forests with older residual trees remaining from previous forest stands may also develop into nesting habitat more quickly than those without residual trees. These remnant attributes can be products of fire, windstorms, or previous logging operations that did not remove all of the trees (Hansen *et al.* 1991, p. 383; McComb *et al.* 1993, pp. 32–36). Other factors that may affect the time required to develop suitable nesting habitat characteristics include site productivity and microclimate.

Through the 1995 nesting season, 59 active or previously used tree nests had been located in Washington (9 nests), Oregon (36 nests), and California (14 nests) (Hamer and Nelson 1995, pp. 70–71; Nelson and Wilson 2002, p. 134; Washington Department of Fish and Wildlife murrelet database; California Department of Fish and Game murrelet database). All of the nests for which data were available in 1996 in Washington, Oregon, and California were in large trees that were more than 32 in (81 cm) dbh (Hamer and Nelson 1995, p. 74). Of the 33 nests for which data were available, 73 percent were on a moss substrate and 27 percent were on litter, such as bark pieces, conifer needles, small twigs, or duff (Hamer and Nelson 1995, p. 74). The majority of nest platforms were created by large or deformed branches (Hamer and Nelson 1995, p. 79). Nests found subsequently have characteristics generally consistent with these tree diameter and platform sources (McShane *et al.* 2004, pp. 4–50 to 4–59; Bloxton and Raphael 2009, p. 8). However, in Oregon, nests were found in smaller diameter trees (as small as 19 in (49 cm)) that were distinguished by platforms provided by mistletoe infections (Nelson and Wilson 2002, p. 27). In Washington, one nest was found on a cliff (*i.e.,* ground nest) that exhibited features similar to a tree platform, such as vertical and horizontal cover (Bloxton and Raphael 2009, pp. 8 and 33). In central California, nest platforms were located on large limbs and broken tops with 32.3 percent mean moss cover on nest limbs (Baker *et al.* 2006, p. 944).

More than 94 percent of the nests for which data were available in 1996 were in the top half of the nest trees, which may allow easy nest access and provide shelter from potential predators and weather. Canopy cover directly over the nests was typically high (average 84 percent; range 5 to 100 percent) in Washington, Oregon, and California (Hamer and Nelson 1995, p. 74). This cover may provide protection from predators and weather. Such canopy cover may be provided by trees adjacent to the nest tree, or by the nest tree itself. Canopy closure of the nest stand/site varied between 12 and 99 percent and averaged 48 percent (Hamer and Nelson 1995, p. 73). Information gathered subsequent to 1996 confirms that additional attributes of the platform are important including both vertical and horizontal cover and substrate. Known nest sites have platforms that are generally protected by branches above (vertical cover) or to the side (horizontal cover) (Huff *et al.* 2006, p. 14). Marbled murrelets appear to select limbs and platforms that provide protection from predation (Marzluff *et al.* 2000, p. 1135; Luginbuhl *et al.* 2001, p. 558; Raphael *et al.* 2002.a, pp. 226, 228) and inclement weather (Huff *et al.* 2006, p. 14). Substrate, such as moss, duff, or needles on the nest limb is important for protecting the egg and preventing it from falling (Huff *et al.* 2006, p. 13).

Nests have been located in forested areas dominated by coastal redwood, Douglas-fir (*Pseudotsuga menziesii*), mountain hemlock (*Tsuga mertensiana*), Sitka spruce (*Picea sitchensis*), western hemlock, and western red cedar (*Thuja plicata*) (Binford *et al.* 1975, p. 305; Quinlan and Hughes 1990, entire; Hamer and Cummins 1991, p. 15; Singer *et al.* 1991, p. 332, Singer *et al.* 1992, p. 2; Hamer and Nelson 1995, p. 75). Individual nests in Washington, Oregon, and California have been located in Douglas-fir, coastal redwood, western hemlock, western red cedar, and Sitka spruce trees (Hamer and Nelson 1995, p. 74).

For nesting habitat to be accessible to marbled murrelets, it must occur close enough to the marine environment for marbled murrelets to fly back and forth. The farthest inland distance for a site with nesting behavior detections is 52 mi (84 km) in Washington. The farthest known inland sites with nesting behavior detections in Oregon and California are 40 and 24 mi (65 and 39 km), respectively (Evans Mack *et al.* 2003, p. 4). Additionally, as noted below in the section titled Definition of Geographical Area Occupied at the Time of Listing, presence detections have been documented farther inland in Washington, Oregon, and California (Evans Mack *et al.* 2003, p. 4).

Prior to Euroamerican settlement in the Pacific Northwest, nesting habitat for the marbled murrelet was well distributed, particularly in the wetter portions of its range in Washington, Oregon, and California. This habitat was generally found in large, contiguous blocks of forest (Ripple 1994, p. 47) as described under the *Management Considerations* section of the 1996 final critical habitat rule (May 24, 1996; 61 FR 26256).

Areas where marbled murrelets are concentrated at sea during the breeding season are likely determined by a combination of terrestrial and marine conditions. However, nesting habitat appears to be the most important factor affecting marbled murrelet distribution and numbers. Marine survey data confirmed conclusions made in the supplemental proposed critical habitat rule (August 10, 1995; 60 FR 40892) that marine observations of marbled

murrelets during the nesting season generally correspond to the largest remaining blocks of suitable forest nesting habitat (Nelson *et al.* 1992, p. 64; Varoujean *et al.* 1994, entire; Ralph *et al.* 1995b, pp. 5–6; Ralph and Miller 1995, p. 358).

Consistent with Varoujean *et al.*'s (1994) 1993 and 1994 aerial surveys, Thompson (1996, p. 11) found marbled murrelets to be more numerous along Washington's northern outer coast and less abundant along the southern coast. Thompson reported that this distribution appears to be correlated with: (1) Proximity of old-growth forest, (2) the distribution of rocky shoreline/substrate versus sandy shoreline/substrate, and (3) abundance of kelp (Thompson 1996, p. 11). In British Columbia Canada, Rodway *et al.* (1995, pp. 83, 85, 86) observed marbled murrelets aggregating on the water close to breeding areas at the beginning of the breeding season and, for one of their two study areas, again in July as young were fledging. Burger (1995, pp. 305–306) reported that the highest at-sea marbled murrelet densities in both 1991 and 1993 were seen immediately adjacent to two tracts of old-growth forest, while areas with very low densities of marbled murrelets were adjacent to heavily logged watersheds. More recent evidence supports that detections of marbled murrelets at inland sites and densities offshore were higher in or adjacent to areas with large patches of old-growth, and in areas of low fragmentation and low isolation of old-growth patches (Raphael *et al.* 1995, pp. 188–189; Burger 2002, p. 54; Meyer and Miller 2002, pp. 763–764; Meyer *et al.* 2002, pp. 109–112; Miller *et al.* 2002, p. 100; Raphael *et al.* 2002a, p. 221; Raphael *et al.* 2002b, p. 337). Overall, landscapes with detections indicative of nesting behavior tended to have large core areas of old-growth and low amounts of overall edge (Meyer and Miller 2002, pp. 763–764; Raphael *et al.* 2002b, p. 331).

In contrast, where nesting habitat is limited in southwest Washington, northwest Oregon, and portions of California, few marbled murrelets are found at sea during the nesting season (Ralph and Miller 1995, p. 358; Varoujean and Williams 1995, p. 336; Thompson 1996, p. 11). For instance, as of 1996, the area between the Olympic Peninsula in Washington and Tillamook County in Oregon (100 mi (160 km)) had few sites with detections indicative of nesting behavior or sightings at sea of marbled murrelets. In California, approximately 300 mi (480 km) separate the large breeding populations to the north in Humboldt and Del Norte Counties from the southern breeding population in San Mateo and Santa Cruz Counties. This reach contained few marbled murrelets during the breeding season; however, the area likely contained significant numbers of marbled murrelets before extensive logging (Paton and Ralph 1988, p. 11, Larsen 1991, pp. 15–17). More recent at-sea surveys confirm the low numbers of marbled murrelets in marine areas adjacent to inland areas that have limited nesting habitat (Miller *et al.* 2012, p. 775; Raphael *et al.* 2015, p. 21).

Dispersal mechanisms of marbled murrelets are not well understood; however, social interactions may play an important role. The presence of marbled murrelets in a forest stand may attract other pairs to currently unused habitat within the vicinity. This may be one of the reasons marbled murrelets have been observed in habitat not currently suitable for nesting, but in close proximity to known nesting sites (Hamer and Cummins 1990, p. 14; Hamer *et al.* 1994, entire). Although marbled murrelets appear to be solitary in their nesting habits (Nelson and Peck 1995, entire), they are frequently detected in groups above the forest, especially later in the breeding season (USFWS 1995, pp. 14–16). Two active nests discovered in Washington during 1990 were located within 150 ft (46 m) of each other (Hamer and Cummins 1990, p. 47), and two nests discovered in Oregon during 1994 were located within 100 ft (33 m) of each other (USFWS 1995, p. 14). Therefore, unused habitat in the vicinity of known nesting habitat may be more important for recovering the species than suitable habitat isolated from known nesting habitat (USFWS 1995; USFWS 1997, p. 20). Similarly, marbled murrelets are more likely to discover newly developing habitat in proximity to sites with documented nesting behaviors. Because the presence of marbled murrelets in a forest stand may attract other pairs to currently unused habitat within the vicinity, the potential use of these areas may depend on how close the new habitat is to known nesting habitat, as well as distance to the marine environment, population size, and other factors (McShane *et al.* 2004, p. 4–78).

Marbled murrelets are believed to be highly vulnerable to predation when on the nesting grounds, and the species has evolved a variety of morphological and behavioral characteristics indicative of selection pressures from predation (Ralph *et al.* 1995b, p. 13). For example, plumage and eggshells exhibit cryptic coloration, and adults fly to and from nests by indirect routes and often under low-light conditions (Nelson and Hamer 1995a, p. 66). Potential nest predators include the great horned owl (*Bubo virginianus*), Cooper's hawk (*Accipiter cooperii*), barred owl (*Strix varia*), northwestern crow (*Corvus caurinus*), American crow (*Corvus brachyrhynchos*), and gray jay (*Perisoreus canadensis*) (Nelson and Hamer 1995b, p. 93; Marzluff *et al.* 1996, p. 22; McShane *et al.* 2004, p. 2–17). The common raven (*Corvus corax*), Steller's jay (*Cyanocitta stelleri*), and sharp-shinned hawk (*Accipiter striatus*) are known predators of eggs or chicks (Nelson and Hamer 1995b, p. 93, McShane *et al.* 2004, pp. 2–16–2–17). Based on experimental work with artificial nests, predation on eggs and chicks by squirrels and mice may also occur (Luginbuhl *et al.* 2001, p. 563; Bradley and Marzluff 2003, pp. 1183–1184). In addition, a squirrel has been documented rolling a recently abandoned egg off a nest (Malt and Lank 2007, p. 170).

From 1974 through 1993, of those marbled murrelet nests in Washington, Oregon, and California where nest success or failure was documented, approximately 64 percent of the nests failed. Of those nests, 57 percent failed due to predation (Nelson and Hamer 1995b, p. 93). Continuing research further supports predation as a significant cause of nest failure (McShane *et al.* 2004, pp. 2–16 to 2–19; Peery *et al.* 2004, pp. 1093–1094; Hebert and Golightly 2006, pp. 98–99; Hebert and Golightly 2007, pp. 222–223; Malt and Lank 2007, p. 165). The relatively high predation rate could be biased because nests near forest edges may be more easily located by observers and also more susceptible to predation, and because observers may attract predators. However, Nelson and Hamer (1995b, p. 94) believed that researchers had minimal impacts on predation in most cases because the nests were monitored from a distance and relatively infrequently, and precautions were implemented to minimize predator attraction. More recent research has relied on remotely operated cameras for observing nests, rather than people, in order to reduce the possible effects of human attraction (Hebert and Golightly 2006, p. 12; Hebert and Golightly 2007, p. 222).

Several possible reasons exist for the high observed predation rates of marbled murrelet nests. One possibility is that these high predation rates are normal, although it is unlikely that a stable population could have been maintained historically under the predation rates observed (Beissinger 1995, p. 390).

In the 1996 rule we hypothesized that populations of marbled murrelet predators such as corvids (jays, crows, and ravens) and great horned owls are increasing in the western United States, largely in response to habitat changes and food sources provided by humans (Robbins *et al.* 1986, pp. 43–46; Johnson 1993, pp. 58–60; Marzluff *et al.* 1994, pp. 214–216; National Biological Service 1996, entire), resulting in increased predation rates on marbled murrelets. Subsequent to the 1996 rule, surveys have confirmed that corvid populations are indeed increasing in western North America as a result of land use and urbanization (Marzluff *et al.* 2001, pp. 332–333; McShane *et al.* 2004, pp. 6–11; Sauer *et al.* 2013, pp. 18–19). However, breeding bird surveys in North America indicate that great horned owls are declining in 40 percent of the areas included in the surveys (Sauer *et al.* 2013, p. 17). Barred owls (*Strix varia*), foraging generalists that may prey on marbled murrelets, were not considered in 1996, but have subsequently been shown to be significantly increasing in numbers and distribution (Sauer *et al.* 2013, p. 17).

In the 1996 rule, we also posited that creation of greater amounts of forest edge habitat may increase the vulnerability of marbled murrelet nests to predation and ultimately lead to higher rates of predation. Edge effects have been implicated in increased forest bird nest predation rates for other species of birds (Chasko and Gates 1982, pp. 21–23; Yahner and Scott 1988, p. 160). In a comprehensive review of the many studies on the potential relationship between forest fragmentation, edge, and adverse effects on forest nesting birds, Paton (1994, p. 25) concluded that ''strong evidence exists that avian nest success declines near edges.'' Small patches of habitat have a greater proportion of edge than do large patches of the same shape. However, many of the studies Paton (1994, entire) reviewed involved lands where forests and agricultural or urban areas interface, or they involved experiments with ground nests that are not readily applicable to canopy nesters such as marbled murrelets. Paton (1994, p. 25), therefore, stressed the need for studies specific to forests fragmented by timber harvest in the Pacific Northwest and elsewhere.

Some research on this topic has been conducted in areas dominated by timber production and using nests located off the ground (Ratti and Reese 1988, entire; Rudnicky and Hunter 1993, entire; Marzluff *et al.* 1996, entire; Vander Haegen and DeGraaf in press, entire). Vander Haegen and DeGraaf (in press, p. 8; 1996, pp. 175–176) found that nests in shrubs less than 75 m (246 ft) from an edge were three times as likely to be depredated than nests greater than 75 m (264 ft) from an edge. Likewise, Rudnicky and Hunter (1993, p. 360) found that shrub nests on the forest edge were depredated almost twice as much as shrub nests located in the forest interior. They also observed that shrub nests were taken primarily by avian predators such as crows and jays, which is consistent with the predators believed to be impacting marbled murrelets, while ground nests were taken by large mammals such as raccoons and skunks. Ratti and Reese (1988, entire) did not find the edge relationship documented by Rudnicky and Hunter (1993, entire), Vander Haegen and DeGraaf (in press), and others cited in Paton (1994, entire). However, Ratti and Reese (1988, p. 488) did observe lower rates of predation near ''feathered'' edges compared to ''abrupt'' edges (*e.g.,* clearcut or field edges), and suggested that the vegetative complexity of the feathered edge may better simulate natural edge conditions than do abrupt edges. These authors also concluded that their observations were consistent with Gates and Gysel's (1978, p. 881) hypothesis that birds are poorly adapted to predator pressure near abrupt artificial edge zones.

Studies of artificial and natural nests conducted in Pacific Northwest forests also indicate that predation of forest bird nests may be affected by habitat fragmentation, forest management, and land development (Hansen *et al.* 1991, p. 388; Vega 1993, pp. 57–61; Bryant 1994, pp. 14–16; Nelson and Hamer 1995b, pp. 95–97; Marzluff *et al.* 1996, pp. 31–35). Nelson and Hamer (1995b, p. 96), found that successful marbled murrelet nests were further from edge than unsuccessful nests. Marzluff *et al.* (1996, entire) conducted experimental predation studies that used simulated marbled murrelet nests, and more recent research documented predation of artificial marbled murrelet nests by birds and arboreal mammals (Luginbuhl *et al.* 2001, pp. 562–563; Bradley and Marzluff 2003, pp. 1183–1884; Marzluff and Neatherlin 2006, p. 310; Malt and Lank 2007, p. 165). Additionally, more recent research indicates proximity to human activity and landscape contiguity may interact to determine rate of predation (Marzluff *et al.* 2000, pp. 1136–1138, Raphael *et al.* 2002a, entire; Zharikov *et al.* 2006, p. 117; Malt and Lank 2007, p. 165). Interior forest nests in contiguous stands far from human activity appear to experience the least predation (Marzluff *et al.* 1996, p. 29; Raphael *et al.* 2002a, pp. 229–231).

More recent information indicates that marbled murrelets locate their nests throughout forest stands and fragments, including along various types of natural and human-made edges (Hamer and Meekins 1999, p. 1; Manley 1999, p. 66; Bradley 2002, pp. 42, 44; Burger 2002, p. 48; Nelson and Wilson 2002, p. 98). In California and southern Oregon, areas with abundant numbers of marbled murrelets were farther from roads, occurred more often in parks protected from logging, and were less likely to occupy old-growth habitat if they were isolated (greater than 3 mi (5 km)) from other nesting marbled murrelets (Meyer *et al.* 2002, pp. 95, 102–103). Marbled murrelets no longer occur in areas without suitable forested habitat, and they appear to abandon highly fragmented areas over time (areas highly fragmented before the late 1980s generally did not support marbled murrelets by the early 1990s) (Meyer *et al.* 2002, p. 103).

The conversion of large tracts of native forest to small, isolated forest patches with large edge can create changes in microclimate, vegetation species, and predator–prey dynamics—such changes are often collectively referred to as ''edge effects.'' Unfragmented, older-aged forests have lower temperatures and solar radiation and higher humidity compared to clearcuts and other open areas (*e.g.,* Chen *et al.* 1993, p. 219; Chen *et al.* 1995, p. 74). Edge habitat is also exposed to increased temperatures and light, high evaporative heat loss, increased wind, and decreased moisture. Fundamental changes in the microclimate of a stand have been recorded at least as far as 787 ft (240 m) from the forest edge (Chen *et al.* 1995, p. 74). The changes in microclimate regimes with forest fragmentation can stress an old-growth associate species, especially a cold-water adapted seabird such as the marbled murrelet (Meyer and Miller 2002, p. 764), and can affect the distribution of epiphytes that marbled murrelets use for nesting. Branch epiphytes or substrate have been identified as a key component of marbled murrelet nests (Nelson *et al.* 2003, p. 52; McShane *et al.* 2004, pp. 4–48, 4–89, 4–104). While there are no data on the specific effects of microclimate changes on the availability of marbled murrelet nesting habitat at the scale of branches and trees, as discussed in the references above, the penetration of solar radiation and warm temperatures into the forest could change the distribution of epiphytes, and wind could blow moss off nesting platforms.

A large body of research indicates that marbled murrelet productivity is greatest in large, complex-structured forests far from human activity due to the reduced levels of predation present in such landscapes. Marbled murrelet productivity is lowest in fragmented landscapes; therefore, marbled murrelet nesting stands may be more productive if surrounded by simple-structured forests, and minimal human recreation and settlement. Human activities can significantly compromise the effectiveness of the forested areas surrounding nests to protect the birds and/or eggs from predation (Huhta *et al.* 1998, p. 464; Marzluff *et al.* 1999, pp. 3–4; Marzluff and Restani 1999, pp. 7–9, 11; Marzluff *et al.* 2000, pp. 1136–1138; De Santo and Willson 2001, pp. 145–147; Raphael *et al.* 2002a, p. 221; Ripple *et al.* 2003, p. 80).

In addition to studies of edge effects, some research initiated prior to 1996 looked at the importance of stand size. Among all Pacific Northwest birds, the marbled murrelet is considered to be one of the most sensitive to forest fragmentation (Hansen and Urban 1992, p. 168). Marbled murrelet nest stand size in Washington, Oregon, and California varied between 7 and 2,717 ac (3 and 1,100 ha) and averaged 509 ac (206 ha) (Hamer and Nelson 1995, p. 73). Nelson and Hamer (1995b, p. 96) found that successful marbled murrelets tended to nest in larger stands than did unsuccessful marbled murrelets, but these results were not statistically significant. Miller and Ralph (1995, entire) compared marbled murrelet survey detection rates among four stand size classes in California. Recording a relatively consistent trend, they observed that a higher percentage of large stands (33.3 percent) had nesting behavior detections when compared to smaller stands (19.8 percent), while a greater percentage of the smallest stands (63.9 percent) had no presence or nesting behavior detections when compared to the largest stands (52.4 percent) (Miller and Ralph 1995, pp. 210–212). However, these results were not statistically significant, and the authors did not conclude that marbled murrelets preferentially select or use larger stands. The authors suggested the effects of stand size on marbled murrelet presence and use may be masked by other factors such as stand history and proximity of a stand to other old-growth stands. Rodway *et al.* (1993, p. 846) recommended caution when interpreting marbled murrelet detection data, such as that used by Miller and Ralph (1995), because numbers of detections at different sites may be affected by variation caused by weather, visibility, and temporal shifts.

In addition to stand size, general landscape condition may influence the degree to which marbled murrelets nest in an area. In Washington, marbled murrelet detections increased when old-growth/mature forests make up more than 30 percent of the landscape (Hamer and Cummins 1990, p. 43). Hamer and Cummins (1990, p. 43) found that detections of marbled murrelets decreased in Washington when the percentage of clear-cut/meadow in the landscape increased above 25 percent. Additionally, Raphael *et al.* (1995, p. 177) found that the percentage of old-growth forest and large sawtimber was significantly greater within 0.5 mi (0.8 km) of sites (501-ac (203-ha) circles) that were used by nesting marbled murrelets than at sites where they were not detected. Raphael *et al.* (1995, p. 189) suggested tentative guidelines based on this analysis that sites with 35 percent old-growth and large sawtimber in the landscape are more likely to be used for nesting. In California, Miller and Ralph (1995, pp. 210–211) found that the density of old-growth cover and the presence of coastal redwood were the strongest predictors of marbled murrelet presence.

In summary, the best scientific information available strongly suggests that marbled murrelet reproductive success may be adversely affected by forest fragmentation associated with either natural disturbances, such as severe fire or windthrow, or certain land management practices, generally associated with timber harvest or clearing of forest. Based on this information, the Service concluded that the maintenance and development of suitable habitat in relatively large contiguous blocks as described in the 1996 rule and the draft Marbled Murrelet (Washington, Oregon, and California Population) Recovery Plan (draft recovery plan) (USFWS 1995, pp. 70–71, finalized in 1997) would contribute to the recovery of the marbled murrelet. These blocks of habitat should contain the structural features and spatial heterogeneity naturally found at the landscape level, the stand level, and the individual tree level in Pacific Northwest forest ecosystems (Hansen *et al.* 1991, pp. 389–390; Hansen and Urban 1992, pp. 171–172; Ripple 1994, p. 48; Bunnell 1995, p. 641; Raphael *et al.* 1995, p. 189). Newer information further supports the conclusion that the maintenance of suitable nesting habitat in relatively large, contiguous blocks will be needed to recover the marbled murrelet (Meyer and Miller 2002, pp. 763–764; Meyer *et al.* 2002, p. 95; Miller *et al.* 2002, pp. 105–107; Raphael *et al.* 2011, p. 44).

Summary of Physical or Biological Features Essential to the Conservation of the Marbled Murrelet

Therefore, based on the information presented in the 1996 final critical habitat rule and more recent data that continue to confirm the conclusions drawn in that rule, we consider the physical or biological features essential to the conservation of the marbled murrelet to include forests that are capable of providing the characteristics required for successful nesting by marbled murrelets. Such forests are typically coniferous forests in contiguous stands with large core areas of old-growth or trees with old-growth characteristics and a low ratio of edge to interior. However, due to timber harvest history we recognize that, in some areas, such as south of Cape Mendocino in California, coniferous forests with relatively smaller core areas of old-growth or trees with old-growth characteristics are essential for the conservation of the marbled murrelet because they are all that remain on the landscape. Forests capable of providing for successful nesting throughout the range of the listed DPS are typically dominated by coastal redwood, Douglas-fir, mountain hemlock, Sitka spruce, western hemlock, or western red cedar, and must be within flight distance to marine foraging areas for marbled murrelets.

The most important characteristic of marbled murrelet nesting habitat is the presence of nest platforms. These structures are typically found in old-growth and mature forests, but can also be found in a variety of forest types including younger forests containing remnant large trees. Potential nesting areas may contain fewer than one suitable nesting tree per acre and nest trees may be scattered or clumped throughout the area. Large areas of unfragmented forest are necessary to minimize edge effects and reduce the impacts of nest predators to increase the probability of nest success. Forests are dynamic systems that occur on the landscape in a mosaic of successional stages, both as the result of natural disturbances (fire, windthrow) or anthropogenic management (timber harvest). On a landscape basis, forests with a canopy height of at least one-half the site-potential tree height in proximity to potential nest trees contribute to the conservation of the marbled murrelet. Trees of at least one-half the site-potential height are tall enough to reach up into the lower

canopy of nest trees, which provides nesting murrelets more cover from predation. The site-potential tree height is the average maximum height for trees given the local growing conditions, and is based on species-specific site index tables. The earlier successional stages of forest also play an essential role in providing suitable nesting habitat for the marbled murrelet, as they proceed through successional stages and develop into the relatively large, unfragmented blocks of suitable nesting habitat needed for the conservation of the species.

III. Primary Constituent Elements for the Marbled Murrelet

According to 50 CFR 424.12(b), we are required to identify the physical or biological features essential to the conservation of the marbled murrelet within the geographical area occupied at the time of listing, focusing on the ''primary constituent elements'' (PCEs) of those features. We consider PCEs to be those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species. For the marbled murrelet, those life-history processes associated with terrestrial habitat are specifically related to nesting. Therefore, as previously described in our designation of critical habitat for the marbled murrelet (61 FR 26256; May 24, 1996), and further supported by more recent information, our designation of critical habitat focused on the following PCEs specific to the marbled murrelet:

(1) Individual trees with potential nesting platforms, and

(2) forested areas within 0.5 mile (0.8 kilometer) of individual trees with potential nesting platforms, and with a canopy height of at least one-half the site-potential tree height. This includes all such forest, regardless of contiguity.

These PCEs are essential to provide and support suitable nesting habitat for successful reproduction of the marbled murrelet.

IV. Special Management Considerations or Protection

In our evaluation of whether the current designation meets the statutory definition of critical habitat, we must assess not only whether the specific areas within the geographical area occupied by the species at the time of listing contain the physical or biological features essential to the conservation of the species, but also whether those features may require special management considerations or protection. Here we describe the special management considerations or protection that apply to the physical or biological features and PCEs identified for the marbled murrelet.

As discussed above and in the 1996 final rule designating critical habitat (May 24, 1996; 61 FR 26261–26263), marbled murrelets are found in forests containing a variety of forest structure, which is in part the result of varied management practices and natural disturbance (Hansen *et al.* 1991, p. 383; McComb *et al.* 1993, pp. 32–36). In many areas, management practices have resulted in fragmentation of the remaining older forests and creation of large areas of younger forests that have yet to develop habitat characteristics suitable for marbled murrelet nesting (Hansen *et al.* 1991, p. 387). Past and current forest management practices have also resulted in a forest age distribution skewed toward younger even-aged stands at a landscape scale (Hansen *et al.* 1991, p. 387; McComb *et al.* 1993, p. 31). Bolsinger and Waddell (1993, p. 2) estimated that old-growth forest in Washington, Oregon, and California had declined by two-thirds statewide during the previous five decades.

Current and historical loss of marbled murrelet nesting habitat is generally attributed to timber harvest and land conversion practices, although, in some areas, natural catastrophic disturbances such as forest fires have caused losses (Hansen *et al.* 1991, pp. 383, 387; Ripple 1994, p. 47; Bunnell 1995, pp. 638–639; Raphael *et al.* 2011, pp. 34–39; Raphael *et al.* 2015 in prep, pp. 94–96). Reduction of the remaining older forest has not been evenly distributed in western Washington, Oregon, and California. Timber harvest has been concentrated at lower elevations and in the Coast Ranges (Thomas *et al.* 1990, p. 63), generally overlapping the range of the marbled murrelet. In California today, more than 95 percent of the original old-growth redwood forest has been logged, and 95 percent of the remaining old-growth is now in parks or reserves (Roa 2007, p. 169).

Some of the forests that were affected by past natural disturbances, such as forest fires and wind throw, currently provide suitable nesting habitat for marbled murrelets because they retain scattered individual or clumps of large trees that provide structure for nesting (Hansen *et al.* 1991, 383; McComb *et al.* 1993, p. 31; Bunnell 1995, p. 640). This is particularly true in coastal Oregon where extensive fires occurred historically. Marbled murrelet nests have been found in remnant old-growth trees in mature and young forests in Oregon. Forests providing suitable nesting habitat and nest trees generally require 200 to 250 years to develop characteristics that supply adequate nest platforms for marbled murrelets. This time period may be shorter in redwood and western hemlock forests and in areas where significant remnants of the previous stand remain. Intensively managed forests in Washington, Oregon, and California have been managed on average cutting rotations of 70 to 120 years (USDI 1984, p. 10). Cutting rotations of 40 to 50 years are common for some private lands. Timber harvest strategies on Federal lands and some private lands have emphasized dispersed clear-cut patches and even-aged management. Forest lands that are intensively managed for wood fiber production are generally prevented from developing the characteristics required for marbled murrelet nesting. In addition, suitable nesting habitat that remains under these harvest patterns is highly fragmented.

Within the range of the marbled murrelet on Federal lands, the Northwest Forest Plan (NWFP) (USDA and USDI 1994, entire) designated a system of Late Successional Reserves (LSRs), which provides large areas expected to eventually develop into contiguous, unfragmented forest. In addition to LSRs, the NWFP designated a system of Adaptive Management Areas, where efforts focus on answering management questions, and matrix areas, where most forest production occurs. Administratively withdrawn lands, as described in the individual National Forest or BLM land use plans, are also part of the NWFP.

In the 1996 final rule, we acknowledged the value of implementation of the NWFP as an integral role in marbled murrelet conservation. As a result, designated critical habitat on lands within the NWFP area administered by the National Forests and BLM was congruent with LSRs. These areas, as managed under the NWFP, should develop into large blocks of suitable murrelet nesting habitat given sufficient time. However, LSRs are plan-level designations with less assurance of long-term persistence than areas designated by Congress. Designation of LSRs as critical habitat complements and supports the NWFP and helps to ensure persistence of this management directive over time. These lands managed under the NWFP require special management considerations or protection to allow the full development of the essential physical or biological features as represented by large blocks of forest with the old-growth characteristics that will provide suitable nesting habitat for marbled murrelets.

In some areas, the large blocks of Federal land under the NWFP are presently capable of providing the necessary contribution for recovery of the species. However, the marbled murrelet's range includes areas that are south of the range of the northern spotted owl (the focus of the NWFP), where Federal lands are subject to timber harvest. Therefore, the critical habitat designated on Federal lands outside of the NWFP also require special management considerations or protection to enhance or restore the old-growth characteristics required for nesting by marbled murrelets, and to attain the large blocks of contiguous habitat necessary to reduce edge effects and predation.

In the 1996 critical habitat rule (May 24, 1996; 61 FR 26256), the Service designated selected non-Federal lands that met the requirements identified in the Criteria for Identifying Critical Habitat section, in those areas where Federal lands alone were insufficient to provide suitable nesting habitat for the recovery of the species. For example, State lands were considered to be particularly important in southwestern Washington, northwestern Oregon, and in California south of Cape Mendocino. Small segments of county lands were also included in northwestern Oregon and central California. Some private lands were designated as critical habitat because they provided essential elements and occurred where Federal lands were, and continue to be, very limited, although suitable habitat on private land is typically much more limited than on public lands. In California, south of Cape Mendocino, State, county, city, and private lands contain the last remnants of nesting habitat for the southern-most population of murrelets, which is the smallest, most isolated, and most susceptible to extirpation. All of the non-Federal lands have been and continue to be subject to some amount of timber harvest and habitat fragmentation and lower habitat effectiveness due to human activity. Therefore, all non-Federal lands within the designation require special management considerations or protection to preserve suitable nesting habitat where it is already present, and to provide for the development of suitable nesting habitat in areas currently in early successional stages.

In summary, areas that provide the essential physical or biological features and PCEs for the marbled murrelet may require special management considerations or protection. Because succession has been set back or fragmentation has occurred due to either natural or anthropogenic disturbance, those essential features may require special management considerations or protections to promote the development of the large, contiguous blocks of unfragmented, undisturbed coniferous forest with old-growth characteristics (*i.e.,* nest platforms) required by marbled murrelets. Areas with these characteristics provide the marbled murrelet with suitable nesting habitat, and reduce edge effects, such as increased predation, resulting in greater nest success for the species. Areas that currently provide suitable nesting habitat for the marbled murrelet may require protection to preserve those essential characteristics, as the development of old-growth characteristics may take hundreds of years and thus cannot be easily replaced once lost.

V. Definition of Geographical Area Occupied at the Time of Listing

Critical habitat is defined as the specific areas within the geographical area occupied by the species, at the time it is listed under section (3)(5)(A)(i) of the Act. For the purposes of critical habitat, the Service must first determine what constitutes the geographical area occupied by the species at the time of listing. We consider this to be a relatively broad-scale determination, as the wording of the Act clearly indicates that the specific areas that constitute critical habitat will be found within some larger geographical area. We consider the ''geographical area occupied by the species'' at the time of listing, for the purposes of section 3(5)(A)(i), to be the area that may be broadly delineated around the occurrences of a species, or generally equivalent to what is commonly understood as the ''range'' of the species. We consider a species occurrence to be a particular location in which individuals of the species are found throughout all or part of their life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals). Because the ''geographical area occupied by the species'' can, depending on the species at issue and the relevant data available, be defined on a relatively broad, coarse scale, individuals of the species may or may not be present within each area at a smaller scale within the geographical area occupied by the species. For the purposes of critical habitat, then, we consider an area to be ''occupied'' (within the geographical area occupied by the species) if it falls within the broader area delineated by the species' occurrences, *i.e.,* its range.

Within the listed DPS, at-sea observations indicate marbled murrelets use the marine environment along the Pacific Coast from the British Columbia, Canada/Washington border south to the Mexico/California border. Because they must fly back and forth to the nest from their marine foraging areas, marbled murrelets use inland areas for nesting that are nearby to those areas used by the species offshore. The inland extent of terrestrial habitat use varies from north to south and depends upon the presence of nesting structures in relation to marine foraging areas. Marbled murrelets have been detected as far inland as 70 miles (mi) (113 kilometers (km)) in Washington, but the inland extent narrows going south, where marbled murrelets generally occur within 25 mi (40 km) of the coast in California. At a broad scale, the geographical area occupied by the listed DPS of the marbled murrelet at the time of listing includes the west coast from the British Columbia, Canada/Washington border south to the Mexico/California border, ranging inland from approximately 70 mi (113 km) in Washington to roughly 25 mi (40 km) of the coast in California. However, the inland nesting habitat extends southward in California only to just south of Monterey Bay. Occurrence data that supports this geographic range includes at-sea surveys, radar detections, radio-telemetry studies, and audio-visual surveys.

At the time the marbled murrelet was listed (October 1, 1992; 57 FR 45528), occurrence data were very limited. However, the geographic range was generally known at that time, with the exception of the exact inland extent.

We now describe what is known about marbled murrelet use of the critical habitat subunits that were designated in 1996, as revised in 2011. In 1996, only terrestrial areas were designated as critical habitat. Terrestrial habitat is used by the marbled murrelet only for the purpose of nesting; therefore, we focus on those specific areas used for nesting by the species. Because we did not designate critical habitat in the marine environment, that aspect of the species' life history or available data will not be discussed further, unless it is pertinent to the terrestrial habitat.

At the landscape scale, marbled murrelets show fidelity to marine foraging areas and may return to specific watersheds for nesting (Nelson 1997, pp. 13, 16–17, 20; Cam *et al.* 2003, p. 1123). For example, marbled murrelets have been observed to return to the same specific nest branches or sites (Hebert and Golightly 2006, p. 270;

Bloxton and Raphael 2009, p. 11). Repeated surveys in nesting stands have revealed site tenacity similar to that of other birds in the alcid family (Huff *et al.* 2006, p. 12) in that marbled murrelets have been observed in the same suitable habitat areas for more than 20 years in California and Washington. Based on the high site tenacity exhibited by marbled murrelets, it is highly likely that areas found to be used by marbled murrelets since listing in 1992 were also being used at the time of listing. Therefore, in order to determine whether any particular area was being used at the time the marbled murrelet was listed, we used all years of survey data available to us (for example, through 2013 in Washington, and some data through 2014 for California).

Not all survey data are indicative of nesting. The specific types of data that we relied upon include audiovisual surveys and specific nest locations, which may have been located through radio-telemetry studies, tree climbing, chicks on the ground, or egg shell fragments. Audiovisual surveys result in a variety of detections, only some of which are specific indicators of nesting behavior tied to the area being surveyed. The types of behaviors that are indicative of nesting include: Sub-canopy behaviors, circling above the canopy, and stationary calling. Other types of detections, such as radar and fly-overs observed during audiovisual surveys, provide information regarding the general use of an area, but generally do not tie the observed individual(s) to a specific forested area (Evans Mack *et al.* 2003, pp. 20–23).

There continue to be gaps in our knowledge of marbled murrelet use in the terrestrial environment. Surveys are site/project specific and generally have been conducted for the purposes of allowing timber harvest. Surveys not conducted in adherence to the strict protocol may have missed nesting behaviors due to the cryptic nature of marbled murrelets and their nests. For example, a single visit to a location where marbled murrelets are present has only a 55 percent chance of detecting marbled murrelets (Evans Mack *et al.* 2003, p. 39). In addition, on some lands, such as Federal LSRs, our history of consultation under section 7 of the Act demonstrates that, in general, land managers choose not to conduct surveys to determine site ''presence;'' rather they consider the suitable habitat to be used by nesting murrelets and adjust their projects accordingly. Therefore, we recognize that our information regarding marbled murrelet use of the terrestrial landscape is incomplete; however, we have determined that the information used in this document is the best scientific data available.

We consider the geographical area occupied by the species at the time of listing for the purposes of critical habitat to be equivalent to the nesting range of the marbled murrelet, for the reasons described above. However, it is important to note that at the time of listing, we may not have had data that definitively demonstrated the presence of nesting murrelets within each specific area designated as critical habitat. Some of these areas still lack adequate survey information. Yet because these areas fall within the broader nesting range of the species, we consider them to have been occupied at the time of listing. For the purposes of clarity, we further evaluated the specific areas within that broader geographic range to determine whether we have documented detections of behaviors indicative of nesting by the marbled murrelet at the scale of each subunit. The following types of data are indicative of the marbled murrelet's use of forested areas for nesting and will be relied upon to make the determination of whether we have documentation of nesting behavior by critical habitat subunit:

(a) *Data indicative of nesting behavior.* A subunit with any of the following data will be considered to have a documented detection of nesting behavior. We consider one detection in a subunit sufficient to support a positive nesting behavior determination for the entire subunit.

(1) Audio/visual surveys conducted according to the Pacific Seabird Group (PSG) survey protocol (Evans Mack *et al.* 2003 or earlier versions). Detection types that are indicative of nesting include: Sub-canopy behaviors (such as flying through the canopy or landing), circling above the canopy, and stationary calling.

(2) Nest locations obtained through radio-telemetry tracking, tree climbing, egg-shell fragments, and chicks on the ground.

(b) *Contiguity of forested areas within which nesting behaviors have been observed.* According to the PSG protocol (Evans Mack *et al.* 2003), a contiguously forested area with detections indicative of nesting behavior is deemed to be used by nesting marbled murrelets throughout its entirety. Therefore, any subunits where there were no detections of behaviors indicative of nesting or possibly no surveys, but the forested areas in the subunit are contiguous with forested areas extending outside of the subunit within which there are documented nesting behaviors, will be deemed to be positive in terms of a nesting behavior detection.

Radar-based marbled murrelet detections and presence-only detections (such as flying over or heard only) resulting from audio/visual surveys were not used to classify a subunit as positive in terms of nesting behavior detections. Even though these detections indicate use of an area by marbled murrelets, these types of detections do not link murrelet nesting to specific areas of forested habitat.

In Washington and California, occurrence data, including nest locations and audio/visual survey data, are maintained in State wildlife agency databases. The Washington Department of Fish and Wildlife marbled murrelet data was obtained by the Service on June 19, 2014, and includes data collected through 2013. The California Department of Fish and Wildlife's marbled murrelet occurrence database, as currently maintained by the Arcata Fish and Wildlife Office, was accessed on February 5, 2015. The database includes information on some surveys conducted through 2006, with one observation from 2014, but is incomplete for the State. Audio/visual surveys in Oregon are not maintained in a centralized database. The Service, through a cooperative agreement, provided funds to the Oregon State University to obtain and collate Oregon survey data. The data provided to the Service included surveys through 2003, mainly on Federal lands. Additionally, the BLM and Oregon Department of Forestry provided a summary of current survey data, as of March of 2015, within critical habitat in Oregon. Survey data for private lands in Oregon were not available.

VI. Specific Areas Occupied at the Time of Listing

We have determined that all 101 subunits designated as critical habitat in 1996, as revised in 2011, are within the geographical range occupied by the species at the time of listing, and all 101 subunits contain the physical or biological features and PCEs essential to the conservation of the species. Evidence of the presence of PCEs is based on nests located within a subunit, nesting behavior detections, audio-visual survey station placements (generally surveys are only conducted if there are nesting platforms present in the forested area), and specific forest inventory data. All of these forms of evidence point to the presence of PCE 1, nesting platforms, within the subunit, as well as the presence of PCE 2. In addition, within all 101 subunits, the essential physical or biological features

and PCEs may require special management considerations or protection, as described above, because these subunits have received or continue to receive some level of timber harvest, fragmentation of the forested landscape, and reduced habitat effectiveness from human activity. Therefore, all 101 subunits meet the definition of critical habitat under section 3(5)(A)(i) of the Act.

Of the 101 subunits, 78 (all critical habitat subunits except for those identified in Table 1, below) have either specific nesting behavior detection data within the subunit or forested areas within the subunit that are contiguous with forested areas within which nesting behaviors have been observed. In total, the 78 subunits with nesting behavior detections account for 3,335,400 ac (1,349,800 ha), or 90 percent of the total designation. These 78 subunits all contain the physical or biological features and PCEs essential to the conservation of the species, which may require special management considerations or protection, as described above, because these subunits have received or continue to receive some level of timber harvest, fragmentation of the forested landscape, and reduced habitat effectiveness from human activity. Therefore, we conclude that these 78 subunits meet the definition of critical habitat under section 3(5)(A)(i) of the Act.

TABLE 1—MARBLED MURRELET CRITICAL HABITAT SUBUNITS WITHOUT DETECTIONS INDICATIVE OF NESTING BEHAVIOR

Subunit
WA–04a
WA–11d
OR–01d
OR–06a
OR–06c
OR–07f
OR–07g
CA–01d
CA–01e
CA–04b
CA–05a
CA–05b
CA–06a
CA–06b
CA–07b
CA–07c
CA–08a
CA–08b
CA–09a
CA–09b
CA–11b
CA–13
CA–14c

There are 23 subunits that did not have data indicating marbled murrelet nesting behaviors at the time of listing (Table 1). All of these subunits, however, are within the range of the species at the time of listing, and, hence, we consider them to be occupied. Of these 23 subunits, 2 are in Washington, 5 are in Oregon, and 16 are in California, totaling up to 362,600 ac (145,800 ha) or 10 percent of the designation. We have determined that all 23 subunits contain the essential physical or biological features and PCEs based on specific forest inventory data and audio-visual survey station placements. Only 7 of these 23 subunits have received partial or complete surveys to determine use by marbled murrelets. Very limited inland distribution information was available when the species was listed (1992) and in 1996 when critical habitat was designated (May 24, 1996; 61 FR 26256, pp. 26269–26270). However, continued survey efforts have filled in gaps in the distribution that were not known at the time of listing. For example, as of June 2014, the Washington Department of Fish and Wildlife murrelet detection database contained 5,225 nesting behavior detections. Of these 5,225 detections, only 254 were from surveys before 1992 and only 2,149 were prior to 1996. Therefore, it is our opinion that had surveys been conducted in many of these 23 subunits, it is likely that nesting behaviors would have been detected.

Even if these 23 subunits were considered unoccupied at the time of listing because we do not have specific documentation of nesting behaviors, the Act permits designation of such areas as critical habitat if they are essential for the conservation of the species. We evaluated whether each of these 23 subunits are essential for the conservation of the species. In this evaluation we considered: (1) The importance of the area to the future recovery of the species; (2) whether the areas have or are capable of providing the essential physical or biological features; and (3) whether the areas provide connectivity between marine and terrestrial habitats. As stated above, we determined that all 23 subunits contain the physical or biological features and PCEs for the marbled murrelet; therefore, all 23 subunits provide essential nesting habitat that is currently limited on the landscape. In particular, 13 subunits in California that are south of Cape Mendocino contain the last remnants of nesting habitat in that part of California. All 101 designated subunits work together to create a distribution of essential nesting habitat from north to south and inland from marine foraging areas. All of the designated critical habitat units occur within areas identified in the draft and final recovery plans for the marbled murrelet (USFWS 1995 and 1997, entire) as essential for the conservation of the species. Maintaining and increasing suitable nesting habitat for the marbled murrelet is a key objective for the conservation and recovery of the species, by providing for increases in nest success and productivity needed to attain long-term population viability. Based upon this information, we have determined that all of the 23 subunits where nesting behaviors have not been documented are, nonetheless, essential for the conservation of the species. Therefore, even if these 23 subunits were considered unoccupied, we conclude that they meet the definition of critical habitat under section 3(5)(A)(ii) of the Act.

VII. All Critical Habitat Is Essential to the Conservation of the Marbled Murrelet

As described above, all areas designated as critical habitat for the marbled murrelet (101 subunits) contain the physical or biological features and PCEs essential to the conservation of the species, which may require special management considerations or protection. We recognize that the physical or biological features and PCEs may not be uniformly distributed throughout these 101 subunits because historical harvest patterns and natural disturbances have created a mosaic of multiple-aged forests. Replacement of essential physical or biological features and PCEs for the marbled murrelet can take centuries to grow.

We have additionally evaluated all currently designated critical habitat for the marbled murrelet applying the standard under section 3(5)(A)(ii) of the Act, and have determined that all 101 subunits included in this designation are essential for the conservation of the species. As detailed above, we have determined that all areas of critical habitat, whether known to be occupied at the time of listing or not, contain the physical or biological features and PCEs for the marbled murrelet. All 101 designated subunits work together to create a distribution of essential nesting habitat from north to south and inland from marine foraging areas, and occur within areas identified in the draft and final recovery plans for the marbled murrelet (USFWS 1995 and 1997, entire) as essential for the conservation of the species. All areas designated as critical habitat are essential for the conservation and recovery of the marbled murrelet by maintaining and

increasing suitable nesting habitat and limiting forest fragmentation, thereby providing for increases in nest success and productivity to attain long-term population viability of the species. Therefore, we have determined that all areas currently identified as critical habitat for the marbled murrelet, whether confirmed to be occupied at the time of listing or not, are essential for the conservation of the species and meet the definition of critical habitat under section 3(5)(A)(ii) of the Act. Recent population and suitable habitat research confirms that these areas continue to be essential because the marbled murrelet population has declined since listing (Miller *et al.* 2012, entire) and continues to decline in Washington (Lance and Pearson 2015, pp. 4–5), hence suitable nesting areas are of increased importance to provide recovery potential for the marbled murrelet. In addition, while habitat loss has slowed since adoption of the NWFP, suitable nesting habitat continues to be lost to timber harvest (Raphael *et al.* 2015 in prep, pp. 94–95).

VIII. Restated Correction

The preamble to the 1996 final critical habitat rule (May 24, 1996; 61 FR 26265) stated that within the boundaries of designated critical habitat, only those areas that contain one or more PCEs are, by definition, critical habitat, and areas without any PCEs are excluded by definition. This statement was in error; we clarified this language in the revised critical habitat rule published in 2011 (October 5, 2011; 76 FR 61599, p. 61604), and we reemphasize this correction here. By introducing some ambiguity in our delineation of critical habitat, this language was inconsistent with the requirement that each critical habitat unit be delineated by specific limits using reference points and lines (50 CFR 424.12(c)). The Service does its best not to include areas that obviously cannot attain PCEs, such as alpine areas, water bodies, serpentine meadows, lava flows, airports, buildings, parking lots, etc. (May 24, 1996; 61 FR 26256, p. 26269). However, the scale at which mapping is done for publication in the Code of Federal Regulations does not allow precise identification of these features, and, therefore, some may fall within the critical habitat boundaries. Hence, all lands within the mapped critical habitat boundaries for the marbled murrelet are critical habitat.

IX. Effects of Critical Habitat Designation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. A detailed explanation of the regulatory effects of critical habitat in terms of consultation under section 7 of the Act and application of the adverse modification standard is provided in the October 5, 2011, final rule revising critical habitat for the marbled murrelet (76 FR 61599).

Section 7 consultation is required whenever there is a discretionary Federal action that may affect listed species or designated critical habitat. Section 7(a)(3) also states that a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by his or her project and that implementation of such action will likely affect such species. The initiation of section 7 consultation under the jeopardy standard takes place if the species may be present and the action may affect the species. As described above, because of the relatively coarse scale at which critical habitat is designated, the species may or may not be present within all portions of the ''geographical area occupied by the species'' or may be present only periodically. Therefore, at the time of any consultation under section 7 of the Act, the species of interest may not be present within the action area for the purposes of the section 7 consultation, even if that action area is within the ''geographical area occupied by the species.''

We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

X. Economic Considerations

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation or revision of critical habitat. If critical habitat has not been previously designated, the probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, and includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.,* under the Federal listing as well as other Federal, State, and local regulations). In this case the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.,* conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. These are the conservation efforts and associated impacts that would not be expected but for the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These incremental costs represent the potential economic impacts we consider in association with a designation or revision of critical habitat, as required by the Act.

Baseline protections as a result of the listed status of the marbled murrelet include sections 7, 9, and 10 of the Act, and any economic impacts resulting

from these protections to the extent they are expected to occur absent the designation of critical habitat:

• Section 7 of the Act, even absent critical habitat designation, requires Federal agencies to consult with the Service to ensure that any action authorized, funded, or carried out will not likely jeopardize the continued existence of any endangered or threatened species. Consultations under the jeopardy standard result in administrative costs, as well as impacts of conservation efforts resulting from consideration of this standard.

• Section 9 defines the actions that are prohibited by the Act. In particular, it prohibits the ''take'' of endangered wildlife, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The economic impacts associated with this section manifest themselves in sections 7 and 10.

• Under section 10(a)(1)(B) of the Act, an entity (*e.g.,* a landowner or local government) may develop an HCP for a listed animal species in order to meet the conditions for issuance of an incidental take permit in connection with a land or water use activity or project. The requirements posed by the HCP may have economic impacts associated with the goal of ensuring that the effects of incidental take are adequately avoided or minimized. The development and implementation of HCPs is considered a baseline protection for the species and habitat unless the HCP is determined to be precipitated by the designation of critical habitat, or the designation influences stipulated conservation efforts under HCPs.

In the present rulemaking, we are not starting from a ''without critical habitat'' baseline. In this particular case, critical habitat has been in place for the marbled murrelet since May 24, 1996 (61 FR 26256), and was most recently revised on October 5, 2011 (76 FR 61599). Since the 2011 revision resulted only in the removal of some areas of critical habitat, all areas remaining in the current designation have been critical habitat for the marbled murrelet since 1996. This current critical habitat designation forms the baseline for our consideration of the potential economic impacts of this proposed rule. In this document, we describe our evaluation and conclusion that all of the currently designated areas meet the statutory definition of critical habitat for the marbled murrelet. Specifically, we have clarified that all areas are within the range of the marbled murrelet and, therefore, occupied by the species at the time of listing, and contain the physical or biological features essential to the conservation of the species, which may require special management consideration or protection. Furthermore, although all areas are considered to have been occupied at the time of listing, all areas do not necessarily have specific data indicating known detections of nesting murrelets at the time of listing. Therefore, we have further evaluated and determined that all critical habitat, regardless of whether we have information indicating definitive use by nesting murrelets at the time of listing, is essential for the conservation of the species. As a result of our evaluation, we are not proposing any modification to the boundaries of critical habitat for the marbled murrelet, nor are we proposing any changes to the definition of the PCEs (May 24, 1996; 61 FR 26256).

We have considered the probable incremental economic impacts that may result from this proposed rule with regard to critical habitat for the marbled murrelet. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat affects only activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the marbled murrelet is present, Federal agencies already are required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. In this particular case, because all areas that we have considered are already designated as critical habitat for the marbled murrelet, where a Federal nexus occurs, consultations to avoid the destruction or adverse modification of critical habitat have been incorporated into the existing consultation process. Federal agencies have been consulting under section 7 of the Act on critical habitat for the marbled murrelet for approximately 20 years. As this proposed rule does not suggest the addition of any new areas as critical habitat, any probable economic impacts resulting from this rulemaking would result solely from our clarification of how all of the areas currently designated meet the statutory definition of critical habitat. The incremental economic impacts of this proposed rule would, therefore, be equal to any additional costs incurred as the result of a difference between the outcome of consultations as they are currently conducted and consultations as they would be conducted if this rulemaking is finalized as proposed.

We fully considered any probable economic impacts that may result from this proposed rule. Based upon our evaluation, we do not anticipate changes to the consultation process or effect determinations made for critical habitat as a result of our evaluation and conclusion that all areas meet the definition of critical habitat under the Act. In addition, we do not anticipate requiring additional or different project modifications than are currently requested when an action ''may affect'' critical habitat. Therefore, it is the Service's expectation that this proposed rule clarifying the 1996 critical habitat designation, as revised in 2011, which explains how all areas within the boundaries of the current designation meet the definition of critical habitat under the Act, will result in no additional (incremental) economic impacts.

In order to confirm that our assessment of the potential economic impacts of this proposed rule is accurate, we asked those Federal action agencies that manage lands that are critical habitat or with whom we have consulted over the past 20 years on marbled murrelet critical habitat to review our evaluation and characterization of the changes, if any, to consultation under section 7 that may be anticipated as a consequence of this proposed rule. We specifically asked each agency whether our proposed rule would be likely to result in any additional economic impacts on their agency (incremental impacts), above and beyond those already incurred as a result of the current critical habitat designation for the marbled murrelet (baseline impacts). Based on our consultation history with Federal agencies, it is our understanding that action agencies currently consult on effects to marbled murrelet critical habitat through an analysis of the effects to the PCEs. We asked the action agencies to confirm or correct this understanding, and to verify our characterization of how these consultations take place under the current designation, which we described as follows:

• If an action will take place within designated critical habitat, the action agency considers the action area to be critical habitat, irrelevant of the presence of PCEs. The action agency then determines whether there are PCEs within the action area. If the action agency determines there are no PCEs within the action area, the agency makes a ''no effect'' determination and the Service is not consulted.

• If the action agency determines there are PCEs within the action area, they analyze the action's potential effects on the PCEs, which may result in a ''no effect'' or ''may effect''

determination. If the action agency determines the action ''may affect'' the PCEs, they undergo section 7 consultation with the Service.

Whether the critical habitat subunit or action area is considered to be ''occupied'' by the species is irrelevant to the effect determination made for critical habitat. Rather, the determination of ''occupancy'' is relevant to the effect determination for the species and any minimization measures that may be implemented (such as project timing).

In this proposed rule we have reconsidered and clarified that we consider all areas to have been occupied by the species at the time of listing, and that all of these areas have the PCEs. Because occupancy of the critical habitat subunit or action area is considered irrelevant to the effect determination made for critical habitat, the Service does not anticipate changes to the consultation process or effect determinations made for critical habitat as a result of this determination. In addition, the Service does not anticipate requiring additional or different project modifications than are currently requested when an action ''may affect'' critical habitat. Therefore, it is the Service's expectation that the proposed rule clarifying the 1996 critical habitat designation [*sic:* as revised in 2011], which will clearly explain how all areas within the boundaries of the current designation meet the definition of critical habitat under the Act, will not result in additional (incremental) costs to the Federal agencies.

We solicited review and comment on our draft summary of the anticipated economic impacts of this proposed rule, as described above, from seven Federal agencies with whom we regularly consult on marbled murrelet critical habitat (the U.S. Forest Service (USFS), U.S. Bureau of Land Management (BLM), National Park Service (NPS), Bureau of Indian Affairs (BIA), U.S. Army Corps of Engineers (Corps), Federal Highway Administration (FHA), and Federal Energy Regulatory Commission (FERC)). We received responses from four of these agencies: the USFS representing multiple national forests, the BLM representing multiple districts, the NPS representing Redwood National Park and State Parks partnership, and the BIA. All responses agreed with our evaluation of the potential incremental effects of the proposed rule, and confirmed that they did not anticipate any additional costs as a result of the clarification of areas occupied at the time of listing. Our initial letter of inquiry and all responses received from the action agencies are available for review in the Supplemental Materials folder at *http://www.regulations.gov,* Docket No. FWS–R1–ES–2015–0070.

We additionally considered any potential economic impacts on non-Federal entities as a result of this proposed rule. In our experience, any economic impacts to non-Federal parties are generally associated with the development of HCPs under section 10(a)(1)(B) of the Act. However, as described above, in most cases the incentive for the development of an HCP is the potential issuance of an incidental take permit in connection with an activity or project in an area where a listed animal species occurs. HCPs are seldom undertaken in response to a critical habitat designation, but in such a case the costs associated with the development of an HCP prompted by the designation of critical habitat would be considered an incremental impact of that designation. In this particular situation, because we are not proposing any changes to the boundaries of critical habitat, we do not anticipate the initiation of any new HCPs in response to this proposed rule; therefore, we do not anticipate any costs to non-Federal parties associated with HCP development.

Other potential costs to non-Federal entities as a result of critical habitat designation might include costs to third party private applicants in association with Federal activities. In most cases, consultations under section 7 of the Act involve only the Service and other Federal agencies, such as the U.S. Army Corps of Engineers. Sometimes, however, consultations may include a third party involved in projects that involve a permitted entity, such as the recipient of a Clean Water Act section 404 permit. In such cases, these private parties may incur some costs, such as the cost of applying for the permit in question, or the time spent gathering and providing information for a permit. These costs and administrative effort on the part of third party applicants, if attributable solely to critical habitat, would be incremental impacts of the designation. In this particular case, however, because we are not proposing any boundary changes to the current critical habitat designation, we do not anticipate any change from the current baseline conditions in terms of potential costs to third parties; therefore, we expect any incremental impacts to non-Federal parties associated with this proposed rule to be minimal.

Based on our evaluation and the information provided to us by the Federal action agencies within the critical habitat area under consideration, we conclude that this proposed rule will result in little if any additional economic impacts above baseline costs, and we seek public input on this conclusion.

XI. Determination

We have examined all areas designated as critical habitat for the marbled murrelet in 1996 (May 24, 1996; 61 FR 26256), as revised in 2011 (October 5, 2011; 76 FR 61599), and evaluated whether all areas meet the definition of critical habitat under section 3(5)(A) of the Act. Based upon our evaluation, we have determined that all 101 subunits designated as critical habitat are within the geographical area occupied by the species at the time of listing, and each of these subunits provide the physical or biological features and PCEs essential to the conservation of the species, which may require special management considerations or protections. Therefore, we conclude that all areas designated as critical habitat for the marbled murrelet meet the definition of critical habitat under section 3(5)(A)(i) of the Act. Of the 101 subunits, 78 of those subunits had documented detections of nesting behavior at the time of listing. We have determined that we do not have sufficient data to definitively document nesting behavior within the other 23 subunits at the time of listing. However, even if these 23 subunits were considered unoccupied, the Secretary has determined that they are essential for the conservation of the species, as they contribute to the maintenance or increase of suitable nesting habitat required to achieve the conservation and recovery of the marbled murrelet; therefore, we conclude that they meet the definition of critical habitat under section 3(5)(A)(ii) of the Act.

In addition, recognizing that the detection of nesting behaviors or the presence of essential physical or biological features or PCEs within a subunit may be evaluated on multiple scales, such that at some finer scales some subset of the subunit may be considered unoccupied or lacking in PCEs, we evaluated the designation in its entirety as if it were unoccupied under section 3(5)(A)(ii) of the Act, and found that all areas of critical habitat are essential for the conservation of the species. We have here clarified that we have evaluated all critical habitat for the marbled murrelet, and have concluded that in all cases the areas designated as critical habitat for the marbled murrelet meet the definition of critical habitat under section 3(5)(A) of the Act. In addition, as required by section 4(b)(2) of the Act, we have considered the

potential economic impact of this clarification, and we have concluded that any potential economic effects resulting from this rulemaking are negligible.

Therefore, we conclude that, under the Act, critical habitat as currently designated for the marbled murrelet in the Code of Federal Regulations remains valid, and we seek public input on this determination.

Public Hearings

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days after the date of publication of this proposed rule in the **Federal Register**. Such requests must be sent to the address shown in the **ADDRESSES** section. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself, and therefore, not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the Agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this designation. Moreover, Federal agencies are not small entities. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that, if promulgated, this determination of critical habitat will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether this proposed rule would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed determination of critical habitat would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain action. In our consideration of potential economic impacts, we did not find that this rule clarification will significantly affect energy supplies, distribution, or use. This proposed rule only clarifies how the designated critical habitat meets the definition of critical habitat under the Act, and does not propose any changes to the boundaries of the current critical habitat. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty

upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because this proposed rule only clarifies how the designated critical habitat meets the definition of critical habitat under the Act, and does not propose any changes to the boundaries of the current critical habitat, therefore, landownership within critical habitat does not change. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with Executive Order 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we analyzed the potential takings implications of this proposed determination of critical habitat for the marbled murrelet. This proposed rule clarifies whether and how the designated critical habitat meets the definition of critical habitat under the Act, and does not propose any changes to the boundaries of the current critical habitat, therefore, landownership within critical habitat does not change. Thus, we conclude that this proposed rule does not pose additional takings implications for lands within or affected by the original 1996 designation. Critical habitat designation does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. Therefore, based on the best available information, as described above, we conclude that this proposed determination of critical habitat for the marbled murrelet does not pose significant takings implications.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant Federalism effects. A Federalism assessment is not required. From a Federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical and biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist these local governments in long-range planning (because these local governments no longer have to wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. In our proposal, we have reconsidered designated critical habitat for the marbled murrelet for the purpose of assessing whether all of the areas meet the statutory definition of critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the proposed rule identifies the elements of physical or biological features essential to the conservation of the marbled murrelet.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with designating critical habitat under the Act. We published a notice outlining our reasons

for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes.

There are no tribal lands designated as critical habitat for the marbled murrelet.

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References Cited

A complete list of all references cited in this rule is available on the Internet at *http://www.regulations.gov.* In addition, a complete list of all references cited herein, as well as others, is available upon request from the Washington Fish and Wildlife Office (see **ADDRESSES**).

Authors

The primary authors of this document are the staff members of the Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1977, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 29, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–20837 Filed 8–24–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150302204–5204–01]

RIN 0648–BE93

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 15

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 15 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Council). This rule would revise the FMP framework procedures to streamline the process for changing certain regulations affecting the shrimp fishery. Additionally, this rule proposes changes to the FMP that would revise the maximum sustainable yield (MSY), overfishing threshold, and overfished threshold definitions and values for three species of penaeid shrimp. The intent of this proposed rule and Amendment 15 are to streamline the management process for Gulf shrimp stocks and to revise criteria for determining the overfished and overfishing status of each penaeid shrimp stock using the best available science.

DATES: Written comments must be received on or before September 24, 2015.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2015–0097'' by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0097,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of Amendment 15, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2015/Am%2015/index.html.*

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, or email: *Susan.Gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Management Measure Contained in This Proposed Rule

This proposed rule would revise the FMP framework procedures at § 622.60(a) and (b) to allow for modification of accountability measures under the standard documentation process of the open framework procedure. Framework procedures for a FMP allow for changes in specific management measures and parameters that can be made more efficiently than changes made through a FMP plan amendment. This framework procedure was first implemented in the Generic Annual Catch Limit (ACL) Amendment (76 FR 82044, December 29, 2011). Also, this proposed rule would remove outdated terminology from the regulations, such as ''total allowable catch,'' and remove the phrase ''transfer at sea provisions'' from the list of framework procedures because this phrase was inadvertently included in the final rule for the Generic ACL Amendment (76 FR 82044, December 29, 2011).

Additional Measures Contained in Amendment 15

Amendment 15 also contains actions that are not being codified in the regulations, but guide the Council and NMFS in establishing other management measures, which are codifed. Amendment 15 would revise the MSY, overfishing threshold, and the overfished threshold definitions and values for penaeid shrimp stocks (brown, white, and pink shrimp). MSY is the largest average catch that can continuously be taken from a stock under existing environmental conditions. Overfishing occurs whenever the rate of removal is too high and jeopardizes the capacity of a stock or stock complex to produce the MSY on a continuing basis. A stock or stock complex is considered overfished when its biomass has declined below the capacity of the stock or stock complex to produce MSY on a continuing basis.

The criteria and values for MSY, overfishing threshold, and overfished threshold for penaeid shrimp were established in Amendment 13 to the FMP (71 FR 56039, September 26, 2006). Historically, Gulf penaeid shrimp stocks were assessed with a virtual population analysis (VPA), which reported output in terms of number of parents. However, the 2007 pink shrimp stock assessment VPA incorrectly determined pink shrimp were undergoing overfishing because the model could not accommodate low effort. In 2009, NMFS stock assessment analysts determined that the stock synthesis model was the best choice for modeling Gulf shrimp populations. Amendment 15 would modify these stock status determination criteria to match the biomass-based output of the stock synthesis model, which was deemed a better assessment model for shrimp by NMFS biologists and the Council's Scientific and Statistical Committee. These revisions to the penaeid shrimp stock status criteria are expected to have little to no change in the biological, physical, or ecological environments because these changes are only to the stock status reference points and will not have a direct impact on the actual harvest of penaeid shrimp.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 15, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble. The Magnuson-Stevens Act provides the basis for this proposed rule.

This proposed rule is expected to directly affect commercial fishermen holding valid or renewable Federal Gulf shrimp permits. The SBA established size criteria for all major industry sectors in the U.S. including fish harvesters and for-hire operations. A business involved in shellfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $5.5 million (NAICS code 114112, shellfish fishing) for all of its affiliated operations worldwide.

The Federal shrimp permit for the commercial harvest of penaeid shrimp in the Gulf exclusive economic zone has been under a moratorium since 2007 (71 FR 56039, September 26, 2006). At the start of the moratorium, 1,933 vessels qualified for and received the Federal shrimp permit. Over time, the number of permitted shrimp vessels has declined, and in 2013 there were 1,546 such permitted vessels.

From 2006 through 2012, an average of 4,757 vessels fished for shrimp in the Gulf, of which 27 percent were federally permitted vessels and the rest, non-federally permitted vessels that fished only in state waters. Despite the fewer number of vessels, federally permitted vessels accounted for an average of 67 percent of total shrimp landings and 77 percent of total ex-vessel revenues. A federally permitted vessel in the Gulf shrimp fishery, on average, generated revenues from commercial fishing of approximately $254,000 (2012 dollars) annually.

Based on the revenue figures above, all vessels expected to be directly affected by this proposed rule are determined for the purpose of this analysis to be small business entities.

The modifications to the MSY, overfishing threshold, and overfished threshold definitions and values for penaeid shrimp in Amendment 15 would make these parameters consistent with the model currently used in the stock assessment for penaeid shrimp species. Because modifications of these parameters would not affect the harvest of shrimp or restrict the operations of shrimp vessels, no direct economic effects would ensue from this action within the amendment.

The proposed regulatory change to allow for modification of accountability measures under the standard documentation process of the open framework procedure would streamline the process for changing certain regulations affecting the shrimp fishery. This action would improve the administrative environment of developing regulations for the shrimp fishery, but would have no direct economic effects on the operations of affected shrimp vessels. This rule would also remove outdated terminology from the regulations, such as ''total allowable catch,'' and remove the phrase ''transfer at sea provisions'' from the list of framework procedures to correct an inadvertent error. Both these change would have no direct economic effects on the operations of affected shrimp vessels. Therefore, it is expected that the measures contained in this proposed rule would have no effects on the profits of any affected shrimp vessels.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced

by this proposed rule. Accordingly, this rule does not implicate the Paperwork Reduction Act.

The information provided above supports a determination that this rule, if implemented, would not have a significant economic impact on a substantial number of small entities. Because of this determination, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, Shrimp.

Dated: August 19, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.60, revise paragraphs (a) and (b) to read as follows:

§ 622.60 Adjustment of management measures.

* * * * *

(a) *Gulf penaeid shrimp.* For a species or species group: Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, quotas (including a quota of zero), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, allowable biological catch (ABC) and ABC control rules, rebuilding plans, restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait), target effort and fishing mortality reduction levels, bycatch reduction criteria, BRD certification and decertification criteria, BRD testing protocol and certified BRD specifications.

(b) *Gulf royal red shrimp.* Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, ABC and ABC control rules, rebuilding plans, and restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait).

[FR Doc. 2015–20954 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 150316270–5270–01]

RIN 0648–XE111

Fisheries Off West Coast States; Modifications of the West Coast Commercial, Recreational, and Treaty Indian Salmon Fisheries; Inseason Actions #16 Through #21

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

ACTION: Modification of fishing seasons; request for comments.

SUMMARY: NMFS announces six inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial, recreational, and treaty Indian salmon fisheries in the area from the U.S./Canada border to the U.S./Mexico border.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions. Comments will be accepted through September 9, 2015.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2015–0001, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0001,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–6349.

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

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

In the 2015 annual management measures for ocean salmon fisheries (80 FR 25611, May 5, 2015), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2015, and 2016 salmon fisheries opening earlier than May 1, 2016. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participated in the consultations described in this document were: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW) and Washington Department of Fish and Wildlife (WDFW).

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The inseason actions reported in this document affect fisheries north and south of Cape Falcon. Within the south of Cape Falcon area, the Klamath Management Zone (KMZ) extends from Humbug Mountain, OR, to Humboldt South Jetty, CA, and is divided at the Oregon/California border into the Oregon KMZ to the north and California KMZ to the south. All times mentioned refer to Pacific daylight time.

Inseason Actions

Inseason Action #16

Description of action: Inseason action #16 adjusted the daily bag limit in the recreational salmon fishery from the U.S./Canada border to Queets River, WA (Neah Bay and La Push Subareas), to limit retention of Chinook salmon, which had been two per day, to one per day. The new bag limit under inseason action #16 was: Two salmon per day, only one of which can be a Chinook salmon, plus two additional pink salmon.

Effective dates: Inseason action #16 took effect on July 24, 2015, and remained in effect until the part of the action that affected the Neah Bay Subarea was superseded by inseason action #18, which took effect on August 2, 2015.

Reason and authorization for the action: The Regional Administrator (RA) considered fishery effort and Chinook salmon landings to date, and determined that it was necessary to reduce the daily bag limit for Chinook salmon to avoid exceeding the harvest guidelines set preseason for the Neah Bay and La Push Subareas. Inseason action to modify recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #16 occurred on July 21, 2015. Participants in this consultation were staff from NMFS, Council, WDFW, and ODFW.

Inseason Action #17

Description of action: Inseason action #17 adjusted the summer quota (July through September) for the treaty Indian salmon fishery north of Cape Falcon, that was set preseason at 30,000 Chinook salmon, to 29,084 Chinook salmon.

Effective dates: Inseason action #17 took effect on July 1, 2015, and remains in effect until the end of the 2015 treaty Indian salmon season.

Reason and authorization for the action: The tribal fisheries reported an overage of 916 Chinook salmon in the May/June fishery. The Council's Salmon Technical Team (STT) determined that no impact-neutral adjustment was required, and that the spring overage could be deducted from the summer quota on a 1 to 1 basis. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: The treaty tribes notified staff from NMFS, Council, and WDFW of the need for modification of the summer quota on July 22, 2015, and consulted with the STT on the need for any adjustments needed to make the modification impact-neutral. The RA concurred with the quota modification.

Inseason Action #18

Description of action: Inseason action #18 adjusted the daily bag limit in the recreational salmon fishery from the U.S./Canada border to Cape Alava (Neah Bay Subarea) to prohibit retention of Chinook salmon. This action superseded that part of inseason action #16 that applied to the Neah Bay Subarea.

Effective dates: Inseason action #18 took effect August 2, 2015, and remains in effect until the end of the salmon fishing season or until modified by further inseason action.

Reason and authorization for the action: The RA considered Chinook salmon landings and effort in the recreational salmon fishery north of Cape Falcon and determined that the Neah Bay Subarea was likely to exceed the subarea guideline if retention of Chinook salmon continued. Prohibiting retention of Chinook salmon in this subarea allowed fishers access to remaining coho quota without exceeding the Chinook salmon guideline. Inseason action to modify recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #18 occurred on July 28, 2015. Participants in this consultation were staff from NMFS, Council, WDFW, and ODFW.

Inseason Action #19

Description of action: Inseason action #19 adjusted the summer quota (June through September) for the recreational salmon fishery north of Cape Falcon. Unutilized quota from the spring season was rolled over on an impact-neutral basis to the summer season. The adjusted summer quota is 56,700 Chinook salmon.

Effective dates: Inseason action #19 took effect on July 28, 2015, and remains in effect until the end of the 2015 recreational salmon season.

Reason and authorization for the action: The spring recreational salmon fishing season north of Cape Falcon closed on June 12, 2015. Once landings were finalized, 8,798 Chinook salmon remained unutilized from the spring mark-selective Chinook salmon quota of 10,000. The STT calculated the quota rollover to the non-mark-selective Chinook salmon summer quota on an impact-neutral basis for Puget Sound Puyallup and Nisqually Chinook salmon stocks. This resulted in a net, impact-neutral rollover of 2,700 non-mark-selective Chinook salmon quota to the summer fishery. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #19 occurred on July 28, 2015. Participants in this consultation were staff from NMFS, Council, WDFW, and ODFW.

Inseason Action #20

Description of action: Inseason action #20 changed the landing and possession limit for retention of Pacific halibut caught incidental to the commercial salmon fishery from 12 halibut per trip to 2 halibut per trip. This action applies to the commercial salmon fishery from the U.S./Canada border to the U.S./Mexico border.

Effective dates: Inseason action #20 took effect on August 7, 2015, and remains in effect until the end of the commercial salmon fishing season or until modified by further inseason action.

Reason and authorization for the action: The RA considered landings of halibut caught incidental to the commercial salmon fishery and determined that the allocation of halibut set by the International Pacific Halibut Commission was close to attainment. Inseason action #20 was taken to allow access to the remaining halibut allocation without exceeding the allocation. Inseason modification of limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #20 occurred on August 5, 2015. Participants in this consultation were staff from NMFS, Council, CDFW, WDFW, and ODFW.

Inseason Action #21

Description of action: Inseason action #21 adjusted the August quota for the commercial salmon fishery in the Oregon KMZ. Unutilized quota from July was rolled over on an impact-neutral basis to August. The adjusted August quota is 772 Chinook salmon.

Effective dates: Inseason action #21 took effect August 1, 2015, and remains in effect to the end of the season.

Reason and authorization for the action: Under inseason action #14 (80 FR 43336, July 22, 2015), the commercial salmon fishery in the Oregon KMZ had an adjusted July quota of 1,184 Chinook salmon. The State of Oregon reported that 813 Chinook salmon were landed in the area in July, leaving quota of 371 Chinook salmon unutilized. To address temporal differences in impacts to Klamath River fall and California coastal Chinook salmon stocks, the STT calculated the

impact-neutral rollover of 371 Chinook salmon from July to August. As a result, 272 Chinook salmon were added to the August quota of 500 Chinook salmon, for an adjusted quota of 772 Chinook salmon. After consideration of Chinook salmon landings to date and the STT's calculations, the RA determined that it was appropriate to adjust the August quota for the commercial salmon fishery in the Oregon KMZ. This action was taken to allow access to available Chinook salmon quota, without exceeding conservation impacts to Klamath River fall and California coastal Chinook salmon stocks. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #21 occurred on August 5, 2015. Participants in this consultation were staff from NMFS, Council, CDFW, WDFW, and ODFW.

All other restrictions and regulations remain in effect as announced for the 2015 ocean salmon fisheries and 2016 salmon fisheries opening prior to May 1, 2016 (80 FR 25611, May 5, 2015).

The RA determined that the best available information indicated that Chinook salmon and halibut catch to date and fishery effort supported the above inseason actions recommended by the states of Washington and Oregon, and the treaty Indian tribes. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions; the tribes manage fisheries in areas described in the annual management measures (80 FR 25611, May 5, 2015). As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (80 FR 25611, May 5, 2015), the West Coast Salmon Fishery Management Plan (Salmon FMP), and regulations implementing the Salmon FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook salmon catch and effort assessments and projections were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and ESA consultation standards are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the Salmon FMP and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 20, 2015.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–20996 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 150625552–5710–01]

RIN 0648–BF22

Pacific Island Pelagic Fisheries; Exemption for Large U.S. Longline Vessels To Fish in Portions of the American Samoa Large Vessel Prohibited Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to allow large federally permitted U.S. longline vessels to fish in certain areas of the Large Vessel Prohibited Area (LVPA) around Swains Island, Tutuila, and the Manua Islands. NMFS would continue to prohibit fishing in the LVPA by large purse seine vessels. The fishing requirements for the Rose Atoll Marine National Monument would remain unchanged. The intent of the proposed rule is to improve the viability of the American Samoa longline fishery and achieve optimum yield from the fishery while preventing overfishing, in accordance with National Standard 1.

DATES: NMFS must receive comments by September 24, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0080, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0080,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

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

The Western Pacific Fishery Management Council (Council) and NMFS prepared an environmental analysis that describes the potential impacts on the human environment that could result from the proposed rule. The environmental analysis and other supporting documents are available at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIRO Sustainable Fisheries, 808–725–5176.

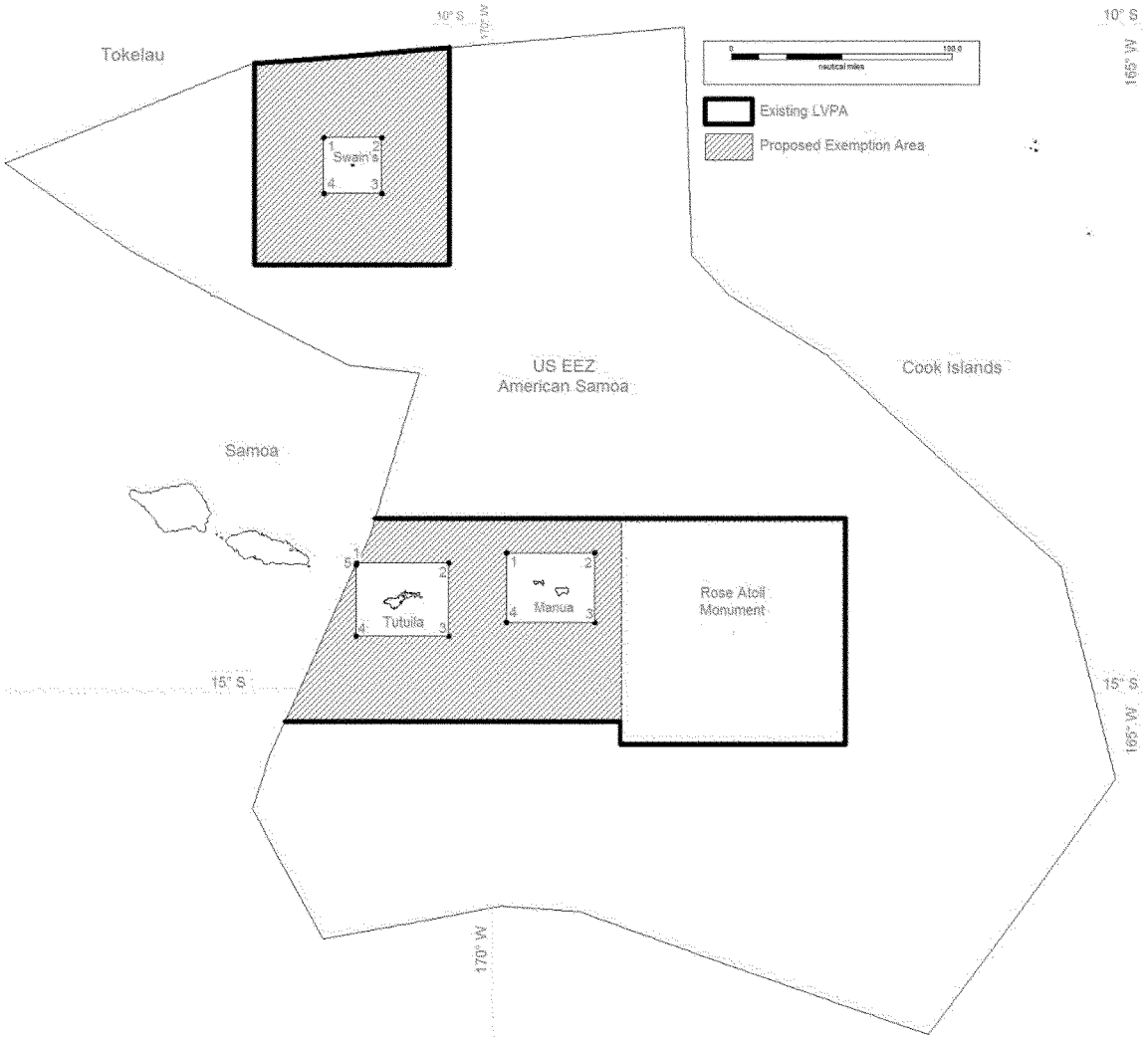
SUPPLEMENTARY INFORMATION: In 2002, the Council recommended establishing, and NMFS implemented, the LVPA around Swain's, Tutuila, and the Manua Islands, and Rose Atoll. At the time, the Council and NMFS established the LVPA to prevent the potential for gear conflicts and catch competition between large and small fishing vessels. Such conflicts and competition could have led to reduced opportunities for sustained participation in the small-scale pelagic fisheries. The LVPA, which extends seaward approximately

30–50 nm offshore from the islands, restricts vessels 50 ft and longer from fishing for pelagic management unit species. You may read more about the establishment of the LVPA in the 2001 proposed rule (66 FR 39475, July 31, 2001) and 2002 final rule (67 FR 4369, January 30, 2002).

The American Samoa pelagic fisheries have changed since 2002, and the conditions that led the Council and NMFS to establish the LVPA are no longer present. Only a few small longline vessels (just one active in 2014) have been operating on a regular basis, and the large vessels (19 active in 2014) have faced declining catch per unit of effort (CPUE), increased costs, and greatly reduced revenues. The LVPA may be unnecessarily reducing the efficiency of the larger American Samoa longline vessels by displacing the fleet from a part of their historical fishing grounds.

To address fishery conditions resulting from the LVPA, the Council recommended that NMFS allow federally-permitted U.S. longline vessels 50 ft and longer to fish in portions of the LVPA. Specifically, the proposed action would allow large U.S. vessels that hold a Federal American Samoa longline limited entry permit to fish within the LVPA seaward of 12 nm around Swains Island, Tutuila, and the Manua Islands (see Fig. 1). NMFS would continue to prohibit fishing in the LVPA by large purse seine vessels. The fishing requirements for the Rose Atoll Marine National Monument would also remain unchanged.

Figure 1. Current American Samoa large vessel prohibited areas, and proposed exemption areas. Note: the bold line indicates the boundary of the LVPA. The shaded areas indicate the areas where NMFS proposes to allow large U.S. vessels to fish. The smaller white boxes indicate the areas where NMFS would continue to prohibit longline fishing by large vessels.



The proposed action would allow fishing in an additional 16,817 nm² of Federal waters, thereby reducing the total portion of the U.S. Exclusive Economic Zone around American Samoa that is now closed to large longline vessels from 25.5 percent to 11.3 percent. The proposed action is intended to improve the efficiency and economic viability of the American Samoa longline fleet, while ensuring that fishing by the longline and small vessel fleets remains sustainable on an ongoing basis. The proposed action would allow large longline vessels to distribute fishing effort over a larger area, which may reduce catch competition among the larger vessels and promote economic efficiency by reducing transit costs. The longline fishery targets albacore, so it does not compete with small-scale bottomfish fishermen or trollers, who target skipjack and yellowfin tunas and billfish. NMFS would continue to prohibit fishing by large longline vessels within the EEZ from 3–12 nm around the islands, thus maintaining non-competitive fishing opportunities for the small-vessel longline fleet.

The Council and NMFS will annually review the effects of the proposed action on catch rates, small vessel participation, and sustainable fisheries development initiatives. Any proposed changes would be subject to additional environmental review and opportunity for public review and comment.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Regulatory Flexibility Act: Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the proposed action, why it is being considered, and the legal basis for it are contained in the preamble to this proposed rule.

The Western Pacific Fishery Management Council (Council) established the American Samoa large vessel prohibited areas (LVPA) to separate large-vessel (50 feet or greater) fishing activities from those of smaller vessels, and to prevent potential gear conflicts and catch competition. NMFS implemented the LVPA in 2002 (67 FR 4369; January 30, 2002), with minor modifications to the boundaries in 2012, related to the establishment of the Rose Atoll Marine National Monument (77 FR 34260; June 11, 2012).

At the time that the LVPA was implemented, nearly 40 alia and other small vessels fished alongside 25 large vessels. The establishment of the LVPA prohibited fishing by all but two large vessels. The Council and NMFS allowed the two vessels to fish in the LVPA based on their fishing history. In recent years, far fewer small vessels operate within the LVPA and the U.S. Exclusive Economic Zone (EEZ) surrounding American Samoa. Meanwhile, the large longliners based in American Samoa struggle to maintain operating, with estimated fleet-wide revenue of $6.8 million (*http://www.pifsc.noaa.gov/wpacfin/as/Data/ECL_Charts/ae3bmain.htm,* accessed July 22, 2015) and some vessels reportedly operating at a loss.

This proposed rule would provide economic relief to the American Samoa large longline vessel fleet, through an exemption to the prohibition from fishing within specific areas of the LVPA. The proposed action would allow the large longline vessels to fish over an additional 16,817 nm² of Federal waters, thereby reducing the total area of the U.S. EEZ around American Samoa currently closed to large longliners from 25.5 percent to 11.3 percent. The proposed action would improve the efficiency and economic viability of the American Samoa longline fleet, while ensuring fishing by the longline and small vessel fleets remain sustainable on an ongoing basis. The Council and NMFS would annually review the effects of the proposed action on catch rates of all pelagic fishery participants, small vessel participation in pelagic fisheries, and sustainable fisheries development initiatives.

The proposed action would directly affect operators of American Samoa-based longline vessels with Class C or D permits. Based on available information, NMFS has determined that all affected entities are small entities under the SBA definition of a small entity, *i.e.,* they are engaged in the business of fish harvesting, are independently owned or operated, are not dominant in their field of operation, and have gross annual receipts below $20.5 million (NAICS code: 114111). In 2013, NMFS issued 11 Class C permits and 26 Class D permits, with seven active Class C permits and 14 active Class D permits (*http://www.pifsc.noaa.gov/wpacfin/as/Data/Pelagic/apel24main.htm* and *http://www.pifsc.noaa.gov/wpacfin/as/Data/Pelagic/apel25main.htm,* accessed July 22, 2015). Therefore, NMFS estimates that this action would potentially affect up to 37 vessels directly.

NMFS does not expect the rule to have disproportionate economic impacts between large and small entities directly affected by this rule, although the small vessels currently allowed to fish throughout the LVPA may be indirectly affected by the potential increase in the number of large longliners fishing within a portion of the LVPA. Furthermore, there would be disproportionate economic impacts among the universe of vessels based on gear, homeport, or vessel length.

Even though this proposed action would apply to a substantial number of vessels, the implementation of this action will not result in significant adverse economic impacts to individual vessels. The proposed action does not duplicate, overlap, or conflict with other Federal rules and is not expected to have significant impact on small entities (as discussed above), organizations, or government jurisdictions. As such, an initial regulatory flexibility analysis is not required and none has been prepared.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian natives, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: August 18, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. Revise § 665.818 to read as follows:

§ 665.818 Exemptions for American Samoa large vessel prohibited areas.

(a) *Exemption for historical participation.*

(1) An exemption will be issued to a person who currently owns a large vessel to use that vessel to fish for western Pacific pelagic MUS in the American Samoa large vessel prohibited areas, if the person seeking the exemption had been the owner of that vessel when it was registered for use with a Western Pacific general longline permit, and has made at least one landing of western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997.

(2) A landing of western Pacific pelagic MUS for the purpose of this paragraph must have been properly recorded on a NMFS Western Pacific Federal daily longline form that was submitted to NMFS, as required in § 665.14.

(3) An exemption is valid only for a vessel that was registered for use with a Western Pacific general longline permit and landed western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997, or for a replacement vessel of equal or smaller LOA than the vessel that was initially registered for use with a Western Pacific general longline permit on or prior to November 13, 1997.

(4) An exemption is valid only for the vessel for which it is registered. An exemption not registered for use with a particular vessel may not be used.

(5) An exemption may not be transferred to another person.

(6) If more than one person, *e.g.,* a partnership or corporation, owned a large vessel when it was registered for use with a Western Pacific general longline permit and made at least one landing of western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997, an exemption issued under this section will be issued to only one person.

(b) *Exemption for vessel size.* Except as otherwise prohibited in Subpart I of this chapter, a vessel of any size that is registered for use with a valid American Samoa longline limited access permit is authorized to fish for western Pacific pelagic MUS within the American Samoa large vessel prohibited areas as defined in § 665.806(b), except that no large vessel as defined in § 665.12 of this subpart may be used to fish for western Pacific pelagic MUS in the portions of the American Samoa large vessel prohibited areas, as follows:

(1) EEZ waters around Tutuila Island enclosed by straight lines connecting the following coordinates:

Point	S. lat.	W. long.
1	14°01′42″	171°02′36″
2	14°01′42″	170°20′22″
3	14°34′31″	170°20′22″
4	14°34′31″	171°03′10″
5	14°02′47″	171°03′10″
1	14°01′42″	171°02′36″

(2) EEZ waters around the Manua Islands enclosed by straight lines connecting the following coordinates:

Point	S. lat.	W. long.
1	13°57′16″	169°53′7″
2	13°57′16″	169°12′45″
3	14°28′28″	169°12′45″
4	14°28′28″	169°53′37″
1	13°57′16″	169°53′37″

(3) EEZ waters around Swains Island enclosed by straight lines connecting the following coordinates:

Point	S. lat.	W. long.
1	10°51′	171°18′
2	10°51′	170°51′
3	11°16′	170°51′
4	11°16′	171°18′
1	10°51′	171°18′

[FR Doc. 2015–20962 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 164
Tuesday, August 25, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agency Information Collection Activities: Proposed Collection; Comment Request—Generic Clearance for the Development of Nutrition Education Messages and Products for the General Public

AGENCY: Center for Nutrition Policy and Promotion (CNPP), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on a proposed information collection. This is an extension of a currently approved collection. Burden hours and total number of responses have not changed. This notice announces the Center for Nutrition Policy and Promotion's (CNPP) intention to request the Office of Management and Budget's approval of the information collection processes and instruments to be used during consumer research while testing nutrition education messages and products developed for the general public. The purpose of performing consumer research is to identify consumers' understanding of potential nutrition education messages and obtain their reaction to prototypes of nutrition education products, including Internet based tools. The information collected will be used to refine messages and improve the usefulness of products as well as aid consumer understanding of current Dietary Guidelines for Americans and related materials (OMB No.: 0584–0523, Expiration Date 1/31/2016).

DATES: Written comments must be submitted on or before October 26, 2015 to be assured consideration.

ADDRESSES: Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Dietary Guidelines Communications, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Dietary Guidelines Communications at 703–305–3300 or through the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at the Center for Nutrition Policy and Promotion's main office located at 3101 Park Center Drive, Room 1034, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Dietary Guidelines Communications at 703–305–7600 or email *dietaryguidelines@cnpp.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Development of Nutrition Education Messages and Products for the General Public.

OMB Number: 0584–0523.

Expiration Date: January 31, 2016.

Type of Request: Extension of a currently approved information collection.

Abstract: The Center for Nutrition Policy and Promotion (CNPP) of the U.S. Department of Agriculture (USDA) conducts consumer research to identify key issues of concern related to the understanding and use of the Dietary Guidelines for Americans as well as the effort and tools used to help implement the Dietary Guidelines. The mission of CNPP is to improve the health and well-being of Americans by developing and promoting dietary guidance that links scientific research to the nutrition needs of consumers.

The Dietary Guidelines are issued jointly by the Secretaries of USDA and Health and Human Services (HHS) every five years (the National Nutrition Monitoring and Related Research Act of 1990 [7 U.S.C. 5341]). The Dietary Guidelines serve as the cornerstone of Federal nutrition policy and form the basis for nutrition education efforts (nutrition messages and development of consumer materials) for these agencies. The Dietary Guidelines for Americans provides advice for making food and physical activity choices that help promote good health, a healthy weight, and help prevent disease.

The Dietary Guidelines for Americans includes USDA Food Pattern recommendations about what and how much to eat. To communicate the Dietary Guidelines for Americans, USDA established a comprehensive communications initiative which includes the MyPlate icon; a Web site designed for professionals and consumers, ChooseMyPlate.gov; and a variety of professional and consumer resources. The MyPlate icon emphasizes the five food groups to remind Americans to eat more healthfully. Activities to promote the Dietary Guidelines are critical to CNPP's mission, and fulfill requirements of the Government Performance and Results Act of 1993 (31 U.S.C. 9701).

Information collected from consumer research will be used to further develop the Dietary Guidelines and related communications. These may include: (1) Messages and products that help general consumers make healthier food and physical activity choices; (2) Additions and enhancements to ChooseMyPlate.gov; and (3) Resources for special population groups that might be identified. USDA is working closely in collaboration with HHS in the current Dietary Guidelines revision cycle for producing the 2015 Dietary Guidelines for Americans. With the potential for revised or new recommendations, the possibility for developing new messages, materials and tools exists. CNPP has among its major functions the

development and coordination of nutrition policy within USDA and is involved in the investigation of techniques for effective nutrition communication. Under Subtitle D of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171–3175), the Secretary of Agriculture is required to develop and implement a national food and human nutrition research and extension program, including the development of techniques to assist consumers in selecting food that supplies a nutritionally adequate diet.

Pursuant to 7 CFR 2.19(a)(3), the Secretary of Agriculture has delegated authority to CNPP for, among other things, developing materials to aid the public in selecting food for good nutrition; coordinating nutrition education promotion and professional education projects within the Department; and consulting with Federal and State agencies, Congress, universities, and other public and private organizations and the general public regarding food consumption and dietary adequacy.

The products for these initiatives will be tested using qualitative and possibly quantitative consumer research techniques, which may include focus groups (with general consumers or with specific target groups such as low-income consumers, children, older Americans, educators, students, etc.), interviews (*i.e.,* intercept, individual, diads, triads, usability testing, etc.), and web-based surveys. Information collected from participants will be formative and will be used to improve the clarity, understandability, and acceptability of resources, messages and products. Information collected will not be nationally representative, and no attempt will be made to generalize the findings to be nationally representative or statistically valid.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 57,000.

Estimated Number of Responses per Respondent: One.

Estimated Time per Response: 12.63 minutes.

Estimated Total Annual Burden on Respondents: 12,004 hours.

Estimated Burden Hours

Testing instrument	Estimated number of individual respondents	Number of responses per respondent	Estimated total annual responses per respondent	Estimated time per response in hours	Estimated total annual burden in hours
Focus Group Screeners	7,500	1	7,500	.25	1,875
Interview Screeners	7,500	1	7,500	.25	1,875
Focus Groups	500	1	500	2	1,000
Interviews	500	1	500	1	500
Web-based Collections	20,000	1	20,000	.25	5,000
Confidentiality Agreement	21,000	1	21,000	.08	1,753.50
Total	57,000		57,000	3.83	12,003.50

The total estimated annual burden is 12,003.50 hours and 57,000 responses. Current estimates are based on both historical numbers of respondents from past projects as well as estimates for projects to be conducted in the next three years.

Dated: August 12, 2015.

Angela Tagtow,

Executive Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture.

[FR Doc. 2015–20922 Filed 8–24–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0025]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Hygiene

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on October 19, 2015. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 47th Session of the Codex Committee on Food Hygiene (CCFH) of the Codex Alimentarius Commission (Codex), taking place in Boston, Massachusetts November 9–13, 2015. The Deputy Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 47th Session of CCFH and to address items on the agenda.

DATES: The public meeting is scheduled for Monday, October 19, 2015 from 1:00–4:00 p.m.

ADDRESSES: The public meeting will take place at the Jamie L. Whitten Building, United States Department of Agriculture, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250.

Documents related to the 47th Session of the CCFH will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Jenny Scott, U.S. Delegate to the CCFH, invites U.S. interested parties to submit their comments electronically to the following email address *Jenny.Scott@fda.hhs.gov.*

Call-In Number

If you wish to participate in the public meeting for the 47th Session of the CCFH by conference call, please use the call-in number listed below.

Call-in Number: 1–888–844–9904

Participant code will be listed on the following link closer to the meeting date. *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

Registration

Attendees may register to attend the public meeting by emailing *barbara.mcniff@fsis.usda.gov* by August 4, 2015. Early registration is encouraged because it will expedite entry into the building. On the day of the meeting attendees should also bring photo identification and plan for adequate time to pass through security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

For Further Information About The 47th Session of CCFH Contact: Jenny Scott, Senior Advisor, Office of Food

Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, HFS–300, Room 3B–014, College Park, MD 20740–3835, Telephone: (240) 402–2166, Fax: (202) 436–2632, Email: *Jenny.Scott@fda.hhs.gov.*

For Further Information About The Public Meeting Contact: Barbara McNiff, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 690–4719, Fax: (202) 720–3157, Email: *Barbara.McNiff@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in the food trade.

The Codex Committee on Food Hygiene is responsible for:

(a) Drafting basic provisions on food hygiene applicable to all food;

(b) Considering, amending if necessary, and endorsing provisions on hygiene prepared by Codex commodity committees and contained in Codex commodity standards;

(c) Considering, amending if necessary, and endorsing provisions on hygiene prepared by Codex commodity committees and contained in Codex codes of practice unless, in specific cases, the Commission has decided otherwise;

(d) Drafting provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex commodity committee or not;

(e) Considering specific hygiene problems assigned to it by the Commission;

(f) Suggesting and prioritizing topics on which there is a need for microbiological risk assessment at the international level and to develop questions to be addressed by the risk assessors; and

(g) Considering microbiological risk management matters in relation to food hygiene, including food irradiation, and in relation to the risk assessment of FAO and WHO.

The CCFH is hosted by the United States.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 47th Session of the CCFH will be discussed during the public meeting:

- Proposed Draft Guidelines for the Control of Nontyphoidal *Salmonella* spp. In Beef and Pork Meat.
- Proposed Draft Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites.
- New work proposals/Forward Work plan.
- Discussion paper on the need to revise the Code of Hygienic Practice for Fresh Fruits and Vegetables
- Discussion paper on the revision of the General Principles of Food Hygiene and its HACCP annex

Each issue listed will be fully described in documents distributed, or to be distributed, by the Codex Secretariat prior to the Committee meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the October 19, 2015, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 47th Session of the CCFH, Jenny Scott (see **ADDRESSES**). Written comments should state that they relate to activities of the 47th Session of the CCFH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register* .

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on August 19, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–20917 Filed 8–24–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

[Docket No.: 150619535–5738–02]

Privacy Act of 1974, New System of Records

AGENCY: U.S. Department of Commerce, National Institute of Standards and Technology.

ACTION: Notice of Privacy Act System of Records: ''COMMERCE/NIST–8, Child Care Subsidy Program Records.''

SUMMARY: The Department of Commerce publishes this notice to announce the

effective date of a new Privacy Act System of Records notice entitled COMMERCE/NIST–8, Child Care Subsidy Program Records.

DATES: The system of records becomes effective on August 25, 2015.

ADDRESSES: For a copy of the system of records please mail requests to: Essex W. Brown, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, Building 101, Room A224, (301) 975–3801.

FOR FURTHER INFORMATION CONTACT: Kaitlyn Kemp, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, Building 101, Room A123, (301) 975–3319.

SUPPLEMENTARY INFORMATION: On July 14, 2015 (80 FR 40995), the Department of Commerce published a notice in the **Federal Register** requesting comments on a proposed new Privacy Act System of Records notice entitled COMMERCE/NIST–8, Child Care Subsidy Program Records. No comments were received in response to the request for comments. By this notice, the Department of Commerce is adopting the proposed new system as final without changes effective August 25, 2015.

Dated: August 19, 2015.

Michael J. Toland,

Department of Commerce, Acting Freedom of Information and Privacy Act Officer.

[FR Doc. 2015–20972 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

[Docket No.: 150619534–5740–02]

Privacy Act of 1974, Abolished System of Records

AGENCY: U.S. Department of Commerce, National Institute of Standards and Technology

ACTION: Final notice to delete a Privacy Act System of Records: ''COMMERCE/NBS–2, Inventors of Energy-Related Processes and Devices.''

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a deletion of a Privacy Act System of Records notice COMMERCE/NBS–2, Inventors of Energy-Related Processes and Devices.

DATES: This system of records will be deleted on August 25, 2015.

ADDRESSES: Director, Management and Organization Office, 100 Bureau Drive, Mail Stop 1710, Gaithersburg, MD 20899–1710, 301–975–4074.

FOR FURTHER INFORMATION CONTACT: Director, Management and Organization Office, 100 Bureau Drive, Mail Stop 1710, Gaithersburg, MD 20899–1710, 301–975–4074.

SUPPLEMENTARY INFORMATION: On July 14, 2015 (80 FR 40997), the Department of Commerce published a notice in the **Federal Register** requesting comments on the deletion of a Privacy Act System of Records entitled COMMERCE/NBS–2, Inventors of Energy-Related Processes and Devices. The system of records is no longer collected or maintained by the National Institute of Standards and Technology. There are no records remaining in the system. No comments were received in response to the request for comments. By this notice, the Department of Commerce is deleting this system of records on August 25, 2015.

Dated: August 19, 2015.

Michael J. Toland,

Department of Commerce, Acting Freedom of Information and Privacy Act Officer.

[FR Doc. 2015–20971 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

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: Bureau of Economic Analysis (BEA), Commerce.

Title: Annual Survey of Foreign Direct Investment in the United States.

OMB Control Number: 0608–0034.

Form Number: BE–15.

Type of Request: Regular submission.

Estimated Number of Respondents: 4,800 annually, of which approximately 1,800 file A forms, 1,100 file B forms, 1,400 file C forms, and 500 file Claims for Exemption.

Estimated Total Annual Burden Hours: 87,450 hours. Total annual burden is calculated by multiplying the estimated number of submissions of each form by the average hourly burden per form, which is 44.5 hours for the A form, 4 hours for the B form, 1.75 hours for the C form, and 1 hour for the Claim for Exemption form.

Estimated Time per Respondent: 18.2 hours per respondent (87,450 hours/4,800 respondents) is the average, but may vary considerably among respondents because of differences in company structure, size, and complexity.

Needs and Uses: The Annual Survey of Foreign Direct Investment in the United States (Form BE–15) collects financial and operating data covering the operations of U.S. affiliates of foreign parents, including their balance sheets, income statements, property, plant and equipment, employment and employee compensation, merchandise trade, sales of goods and services, taxes, and research and development activity. The BE–15 is a sample survey that covers U.S. affiliates of foreign parents above a size-exemption level. The sample data are used to derive universe estimates in nonbenchmark years by extrapolating forward similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is conducted every five years.

The data from the survey are primarily intended as general purpose statistics. They should be readily available to answer any number of research and policy questions related to foreign direct investment in the U.S.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

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 20, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–20981 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–26–2015]

Authorization of Production Activity; Foreign-Trade Zone 39; Valeo North America, Inc. d/b/a Valeo Compressor North America (Motor Vehicle Air-Conditioner Compressors); Dallas, Texas

On April 20, 2015, Valeo North America, Inc. d/b/a Valeo Compressor

North America, an operator of FTZ 39, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility in Dallas, Texas.

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 25278, 5–4–2015). 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 19, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–21050 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–28–2015]

Foreign-Trade Zone 82—Mobile, Alabama; Authorization of Production Activity; Outokumpu Stainless USA, LLC (Stainless Steel Products); Calvert, Alabama

On April 21, 2015, the City of Mobile, grantee of FTZ 82, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Outokumpu Stainless USA, LLC, within Subzone 82I, in Calvert, Alabama.

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 26537–26538, 5–8–2015). 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 Board's regulations, including Section 400.14, and further subject to a condition that all foreign status ferrosilicon, molybdenum and titanium classified under HTSUS Subheadings 7202.21, 8102.94, 8108.20 and 8108.90 be admitted to the subzone in privileged foreign status (19 CFR 146.41).

Dated: August 19, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–21049 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–24–2015]

Foreign-Trade Zone (FTZ) 7—Mayaguez, Puerto Rico; Authorization of Production Activity; Neolpharma, Inc.; Subzone 7O; (Pharmaceutical Products) Caguas, Puerto Rico

On April 20, 2015, the Puerto Rico Industrial Development Company, grantee of FTZ 7, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Neolpharma, Inc., located within Subzone 7O, in Caguas, Puerto Rico.

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 (84 FR 24895–24896, 05–01–2015). 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 Board's regulations, including Section 400.14.

Dated: August 18, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–21051 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967; C–570–968]

Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 22, 2015, the United States Court of International Trade (CIT or Court) sustained the Department of Commerce's (Department's) final results of redetermination,[1] in which the Department determined that certain Quick-Connect frames and Quick-Connect handles imported by Rubbermaid Commercial Products LLC (Rubbermaid) meet the description of excluded finished merchandise, and that certain mopping kits imported by Rubbermaid meet the description of excluded finished goods kits, and are therefore not covered by the scope of the *Orders,*[2] pursuant to the CIT's remand order in *Rubbermaid Commercial Products LLC* v. *United States,* Court No. 11–00463, Slip Op. 14–113 (CIT September 23, 2014) (*Rubbermaid I*).

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken,*[3] as clarified by *Diamond Sawblades,*[4] the Department is notifying the public that the final judgment in this case is not in harmony with the Department's Final Scope Ruling on Cleaning System Components and is therefore amending its final scope ruling.[5]

DATES: *Effective date:* August 1, 2015.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–6071.

SUPPLEMENTARY INFORMATION: On July 7, 2011, Rubbermaid submitted its scope request involving 13 product models, which fall into three categories of floor cleaning products: Quick-Connect frames, Quick-Connect handles, and mopping kits.[6] The Department issued the Final Scope Ruling on Cleaning System Components on October 25, 2011, in which it determined that the Quick-Connect frames and Quick-Connect handles at issue do no not meet the exclusion criteria for finished merchandise and, thus, are covered by the scope of the *Orders* because they are designed to function collaboratively in order to form a completed cleaning device, but the components to make a final cleaning device are not part of a packaged combination at the time of

[1] *See Rubbermaid Commercial Products LLC* v. *United States,* Court No. 11–00463, Slip Op. 15–79 (CIT July 22, 2015) (*Rubbermaid II*), which sustained the Final Results of Redetermination Pursuant to Court Remand, *Rubbermaid Commercial Products LLC* v. *United States,* Court No. 11–00463 (CIT September 23, 2014) (Remand Results).

[2] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Orders*).

[3] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[4] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[5] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Final Scope Ruling on Certain Cleaning System Components,'' (October 25, 2011) (Final Scope Ruling on Cleaning System Components).

[6] *See* Rubbermaid's July 7, 2011, Scope Request (Scope Request).

importation.[7] The Department further determined that the mopping kits at issue do not meet the exclusion criteria for finished goods kits and, thus, are covered by the scope of the *Orders* because they lack the disposable mop ends at the time of importation.[8]

In *Rubbermaid I* the Court held that the Department failed to adequately explain its reasoning in the final scope ruling that the Quick-Connect frames and Quick-Connect handles at issue did not meet the finished merchandise exclusion because they were ''designed to function collaboratively'' with other components to form a completed cleaning device.[9] Thus, on remand, the Court ordered the Department to reconsider its analysis of the finished merchandise exclusion and its application to products designed to work in conjunction with other goods,[10] and to further consider Rubbermaid's argument distinguishing ''finished goods'' (to be excluded) from ''intermediate goods'' (to be included).[11] In addition, the Court ordered the Department to reconsider its alleged distinction between merchandise that is designed to be adaptable, interchangeable and flexible, and merchandise that is permanently assembled, in light of any appropriate scope rulings.[12] The Court also held that if the Department continues to find that the Quick-Connect handles and Quick-Connect frames do not constitute ''finished merchandise'', then the Department must affirmatively define that term, taking into account Rubbermaid's proposed definition.[13] Lastly, concerning the mopping kits at issue, the Court ordered the Department to reconsider its interpretation of the finished goods kit exclusion, taking into account applicable scope rulings that discuss the adaptable, interchangeable nature of products for purposes of this exclusion.[14]

In the Remand Results, the Department clarified its interpretation of the exclusion criteria for ''finished merchandise'' and ''finished goods kits.'' [15] The Department first found that, pursuant to its interpretation of the finished merchandise exclusion, the quick-connect frames and quick-connect handles were excluded from the *Orders* because (1) they are comprised of extruded aluminum and non-extruded aluminum components (thus satisfying the ''aluminum extrusions as parts . . .'' definition of the exclusion), and (2) they are ''fully and permanently assembled and completed at the time of entry,'' regardless of whether they are later incorporated with other components, or assembled into a larger downstream product (*i.e.,* a subassembly).[16]

With respect to the mopping kits, the Department found that these products met the exclusion for finished goods kits because (1) they were comprised of aluminum extrusions plus an additional non-extruded aluminum component which went beyond mere fasteners, and (2) in light of the certain other scope rulings,[17] the interchangeable disposable mop end was not necessary to meet the exclusion for a finished goods kit.[18] On July 22, 2015, the CIT sustained the Department's Remand Results.[19]

Timken Notice

In its decision in *Timken* [20] as clarified by *Diamond Sawblades,* the CAFC has held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's July 22, 2015, judgment in *Rubbermaid II* sustaining the Department's decision in the Remand Results to find that the Quick-Connect frames, Quick-Connect handles, and mopping kits at issue to be excluded from the scope of the *Orders,* constitutes a final decision of that court that is not in harmony with the Department's Final Scope Ruling on Cleaning System Components. This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the Quick-Connect frames, Quick-Connect handles, and mopping kits at issue pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Determination

Because there is now a final court decision with respect to the Final Scope Ruling on Cleaning System Components, the Department amends its final scope ruling. The Department finds that the scope of the *Orders* does not cover the 13 product models of Quick-Connect frames, Quick-Connect handles, and mopping kits addressed in the underlying Scope Request filed by Rubbermaid. The Department will instruct U.S. Customs and Border Protection (CBP) that the cash deposit rate will be zero percent for Rubbermaid's Quick-Connect frames, Quick-Connect handles, and mopping kits. In the event that the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate entries of Rubbermaid's Quick-Connect frames, Quick-Connect handles, and mopping kits without regard to antidumping and/or countervailing duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: August 19, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–21047 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See* Final Scope Ruling on Cleaning System Components at 9.

[8] *Id.*

[9] *See Rubbermaid I,* Slip Op. 14–113 at 17–20.

[10] *Id.* at 20.

[11] *Id.* at 20–23.

[12] *Id.* at 23–27.

[13] *Id.* at 28–29.

[14] *Id.* at 30–33, referencing Banner Stands Scope Ruling and the Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Final Scope Ruling on EZ Fabric Wall Systems,'' (November 9, 2011) (EZ Fabric Wall Systems Scope Ruling).

[15] *See* Remand Results 11–12, 14–17.

[16] *Id.* at 11–12, 14–17.

[17] *See* Banner Stands Scope Ruling; *see also* EZ Wall Systems Scope Ruling.

[18] *Id.*

[19] *See Rubbermaid II,* Slip Op. 15–79 at 15.

[20] *See Timken,* 893 F.2d at 341.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–955]

Certain Magnesia Carbon Bricks From the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review of the countervailing duty (CVD) order on certain magnesia carbon bricks (MCBs) from the People's Republic of China (PRC) for the period January 1, 2013, through December 31, 2013 (POR).

DATES: *Effective date:* August 25, 2015.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2014, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the CVD order on MCBs from the PRC for the POR.[1] The deadline for the completion of the preliminary results is August 31, 2015.[2] On September 30, 2014, Petitioner in this proceeding, Resco Products, Inc., and an interested party, Magnesita Refractories Company (Magnesita), submitted a timely request for an administrative review of five companies: (1) Fedmet Resources Corporation; (2) Fengchi Imp. and Exp. Co., Ltd. of Haicheng City (Fengchi Co.); (3) Fengchi Mining Co., Ltd. of Haicheng City (Fengchi Mining); (4) Fengchi Refractories Corp. (Fengchi Refractories); and (5) Puyang Refractories Co., Ltd. (collectively, Companies Subject to Review).[3] On October 30, 2014, in accordance with 19 CFR 351.221(c)(1)(i), the Department published in the **Federal Register** a notice of initiation of an administrative review on the CVD order on MCBs from the PRC with respect to the Companies Subject to Review.[4]

The Department stated in the *Initiation Notice* that it intended to rely on U.S. Customs and Border Protection (CBP) data to select respondents.[5] On November 5, 2014, we released U.S. Customs and Border Protection (CBP) entry data to interested parties for comments regarding respondent selection.[6] On November 14, 2014, Fengchi Co. submitted comments on the Original CBP Data, and expressed concerns that the Original CBP Data may not accurately reflect POR entries of subject merchandise.[7] No other party commented on the Original CBP Data.

On December 19, 2014, we received timely no shipment certifications from Fengchi Co., Fengchi Mining, and Fengchi Refractories.[8] These three companies also requested that we rescind this administrative review.[9] Although Fengchi Co., Fengchi Mining, and Fengchi Refractories each certified that they had had no reviewable entries of subject merchandise during the POR, the Original CBP Data did show that Fengchi Co. had exports of subject merchandise that were entered during the POR.[10] As a result, in our Respondent Selection Memorandum, we selected Fengchi Co. as our sole mandatory respondent.[11]

Subsequently, the Department found that its data query that generated the Original CBP Data had been constructed for an incorrect period. The Department placed Corrected CBP Data onto the record on July 22, 2015, and gave interested parties an opportunity to comment on these data.[12] Our review of the Corrected CBP Data led us to conclude that there were no entries of MCBs from the PRC that were subject to countervailing duties with respect to the Companies Subject to Review during the POR.[13] Accordingly, we sent requests to CBP to notify us if there was any indication from CBP ports that shipments of MCBs from the PRC regarding the Companies Subject to Review entered the United States during the POR.[14] We received no information from CBP to contradict the Corrected CBP Data.

On July 28, 2015, Resco, Magnesita, and Harbison Walker International submitted timely comments on the Corrected CBP Data, requesting that the Department ask CBP for entry summary information regarding the entries listed in the Corrected CBP Data.[15] No other party commented on the Corrected CBP Data.

On August 12, 2015, the Department issued a memorandum stating that it intended to rescind this review based on the lack of suspended entries for Companies Subject to Review.[16] We invited parties to comment on our intent to rescind this administrative review; [17] we did not receive any comments from any interested party.

Rescission of Review

Section 351.213(d)(3) of the Department's regulations states that ''{the} Secretary may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be.'' [18] At the end of a review, the suspended entries are liquidated at the assessment rate calculated for the review period.[19] Therefore, for an administrative review to be conducted there must be a suspended entry to be liquidated at the newly calculated assessment rate. The Department's practice of rescinding annual reviews when there are no entries of subject merchandise during the POR has been upheld by the Court of Appeals for the Federal Circuit.[20]

In this instance, because the Corrected CBP Data show there are no suspended

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 79 FR 51958 (September 2, 2014).

[2] *See* Department Memoranda, ''Certain Magnesia Carbon Bricks from the People's Republic of China: Extension of Time Limit for Preliminary Results of the Countervailing Duty Administrative Review,'' (May 22, 2015), and ''Certain Magnesia Carbon Bricks from the People's Republic of China: Second Extension of Time Limit for Preliminary Results of the Countervailing Duty Administrative Review,'' (July 1, 2015).

[3] *See* Letter to the Secretary from Petitioner and Magnesita, ''Certain Magnesia Carbon Bricks from the People's Republic of China: Countervailing Duty Administrative Review,'' (September 30, 2014).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 64565, 64568 (October 30, 2014) (*Initiation Notice*); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 66694, 66695 (November 10, 2014), and *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 37588, 37596 (July 1, 2015), correcting printing errors in the *Initiation Notice.*

[5] *See Initiation Notice* at ''Respondent Selection.''

[6] *See* Department Memorandum, ''2013 Countervailing Duty Administrative Review of Certain Magnesia Carbon Bricks from the People's Republic of China: U.S. Customs and Border Protection Entry Data,'' (November 5, 2014) (Original CBP Data).

[7] *See* Letter to the Secretary from Fengchi Co., ''Magnesia Carbon Bricks form the People's Republic of China, Case No. C–570–955: Comments on U.S. Customs and Border Protection Entry Data,'' (November 14, 2014) (Fengchi Co. CBP Data Comments).

[8] *See* Letter to the Secretary from Fengchi Co., Fengchi Mining, and Fengchi Refractories, ''Magnesia Carbon Brick from the People's Republic of China, Case No. C–570–955: No Shipments Letter,'' (December 19, 2014).

[9] *Id.*

[10] *See* Original CBP Data.

[11] *See* Department Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China: Respondent Selection,'' (January 28, 2015) (Respondent Selection Memorandum).

[12] *See* Department Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China: Respondent Selection—Corrected POR Entry Information,'' (July 14, 2015) (Corrected CBP Data).

[13] *Id.*

[14] *See* CBP Inquiries, Message Nos.: 5174303 (June 23, 2015); 5174304 (June 23, 2015); 5198315 (July 17, 2015); and 5219308 (August 7, 2015).

[15] *See* Letter to the Secretary from the Magnesia Carbon Bricks Fair Trade Committee, ''Certain Magnesia Carbon Bricks From the People's Republic of China: Petitioners' Comments on the CBP Data,'' (July 28, 2015).

[16] *See* Department Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China; Intent to Rescind Administrative Review,'' (August 12, 2015).

[17] *Id.*

[18] *See, e.g., Certain Preserved Mushrooms From India: Notice of Rescission of Antidumping Duty Administrative Review,* 79 FR 52300 (September 3, 2014) (*Mushrooms from India*); *see also Certain Frozen Warmwater Shrimp From Brazil: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 32498 (June 1, 2012).

[19] *See* 19 CFR 351.212(b)(2). *See also* section 751(a)(1)(A) of the Act.

[20] *See Allegheny Ludlum Corp.* v. *United States,* 346 F.3d 1368 (Fed. Cir. 2003).

entries from the Companies Subject to Review upon which to assess duties for the POR, the Department is rescinding this review of the countervailing duty order on MCBs from the PRC pursuant to 19 CFR 351.231(d)(3). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of this notice.

Administrative Protective Order

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 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: August 18, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–21048 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Expenditure Survey of Atlantic Highly Migratory Species Tournaments and Participants

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 26, 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 George Silva at (301) 427–8503 or *george.silva@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new collection of information.

The objective of the study is to collect information on the earnings and expenditures of Atlantic Highly Migratory Species (HMS) tournament operators and participants. The study will use two survey instruments to collect information from tournament operators and participants. One survey will ask tournament operators to characterize and quantify their operating costs and income sources in addition to describing their tournament participants. The other survey instrument will ask fishing tournament participants to estimate their expenditures associated with travel to, entering, and participating in the tournament.

The National Marine Fisheries Service (NMFS) will collect cost and earnings data from all tournaments registered within the year (approximately 260 based on recent years' tournament registration data). In addition, NMFS will select fifty percent of registered tournaments to distribute expenditure surveys to anglers registered for those tournament events. The Atlantic HMS Management Division is currently consulting with tournament organizers and participants to design the survey instruments to ensure NMFS captures data on all relevant expenditures.

As specified in the Magnuson-Stevenson Fishery Conservation and Management Act of 1996 (and reauthorized in 2007), NMFS is required to enumerate the economic impacts of the policies it implements on fishing participants and coastal communities. The cost and earnings data collected in this survey will be used to estimate the economic contributions and impacts of Atlantic HMS tournaments regionally.

II. Method of Collection

The primary data collection vehicle will be paper and/or internet-based survey forms delivered at tournament events. Telephone and personal interviews may be employed to supplement and verify written survey responses.

III. Data

OMB Control Number: 0648–XXXX.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Members of the public.

Estimated Number of Respondents: 260 tournament operators and 2,500 tournament participants.

Estimated Time Per Response: 15 minutes per survey.

Estimated Total Annual Burden Hours: 690.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 19, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–20890 Filed 8–24–15; 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, Correction

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; correction.

SUMMARY: ONMS published a request for applications for vacant seats on seven of its 13 national marine sanctuary advisory councils on August 14, 2015

(80 FR 48828). This notice is a correction to the number of vacant seats available for the Stellwagen Bank National Marine Sanctuary Advisory Council. Previously, ONMS requested applications for the following six seats on this council: Business/Industry (primary member); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (alternate); Whale Watch (alternate); and Youth (alternate). ONMS is requesting applications for all of the following seats: At-Large (primary member); Business/Industry (primary member); Diving (primary member); Diving (alternate); Education (two primary members); Fixed Gear Commercial Fishing (primary member); Fixed Gear Commercial Fishing (alternate); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (two alternates); Whale Watch (primary member); and Youth (alternate). No other advisory councils are affected by this notice.

DATES: Applications are due by September 30, 2015.

ADDRESSES: Application kits are specific to each advisory council. As such, application must be obtained from and returned to a council-specific address. For the Stellwagen Bank National Marine Sanctuary Advisory Council, contact: 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.* Refer to council-specific addresses identified in the August 14, 2015, notice (identified above) for the other six advisory councils with vacant seats.

FOR FURTHER INFORMATION CONTACT: For further information on the Stellwagen Bank National Marine Sanctuary Advisory Council, please contact the individual identified in the Addresses section of this notice. Additional information on the other six advisory councils with vacant seats is available in the August 14, 2015, notice discussed under **SUPPLEMENTARY INFORMATION**.

SUPPLEMENTARY INFORMATION: As described in the August 14, 2015 notice (80 FR 48828), 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 were listed in the August 14, 2015, notice. 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.

The following is a list of the vacant seats, including positions (*i.e.,* primary member or alternate), for the Stellwagen Bank National Marine Sanctuary Advisory Council:

Stellwagen Bank National Marine Sanctuary Advisory Council: At-Large (primary member); Business/Industry (primary member); Diving (primary member); Diving (alternate); Education (two primary members); Fixed Gear Commercial Fishing (primary member); Fixed Gear Commercial Fishing (alternate); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (two alternates); Whale Watch (primary member); and Youth (alternate).

The list of all other vacant seats for which applications are currently being sought is included in the August 14, 2015, notice referenced above.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 17, 2015.

John Armor,

Acting Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–20858 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE124

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS has made a preliminary determination that an exempted fishing permit application contains all of the required information and warrants further consideration. This exempted fishing permit would allow two commercial fishing vessels to test the functional performance of a large-mesh belly panel to reduce windowpane flounder bycatch while fishing for scup within the Southern New England and Mid-Atlantic windowpane flounder stock area. The research would be conducted by the Cornell University Cooperative Extension of the Suffolk County Marine Program.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for a proposed exempted fishing permit.

DATES: Comments must be received on or before September 9, 2015.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: *nmfs.gar.efp@noaa.gov.* Include in the subject line ''Comments on Cornell Small Mesh Windowpane Bycatch EFP.''
- Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Cornell Small Mesh Windowpane Bycatch EFP.''
- Fax: (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, Fishery Management Specialist, 978–281–9112, *Reid.Lichwell@noaa.gov.*

SUPPLEMENTARY INFORMATION: Cornell University Cooperative Extension of the Suffolk County Marine Program (CCE) submitted a complete application for an exempted fishing permit on June 18, 2015. This EFP would exempt vessels from the following regulations: 50 CFR 648.122(d), possession limits for scup. This EFP would also exempt participating vessels from possession limits and minimum size requirements specified in 50 CFR part 648, subparts B and D through O, including windowpane flounder, while samples are being weighed prior to discard. The EFP would allow these exemptions from September 1, 2015 to May 31, 2016.

This exemption would allow vessels to retain scup in excess of the Winter II possession limit. The Winter II possession limit timeframe is November 1, 2015 to December 31, 2015, and the limit will be identified in a future **Federal Register** notice. This exemption would save the participating vessels time that would otherwise be used for transiting to port to unload catch and to

return to the research area to conduct more experimental tows. The temporary exemption from the regulated size and possession limits would allow for scup, windowpane flounder, and various bycatch species to be onboard the vessel while sampling and weighing activities are taking place prior to discard.

The project will be conducted primarily during the fall months (September-November), while both scup and windowpane flounder reside predominately inshore, with the two species occurring together in high numbers south of Long Island, NY, and Nantucket, MA. However, trips may also occur in the spring if more data or additional trips are needed.

The participating vessels would conduct research fishing concurrently, orienting the vessels side-by-side, within a half mile of each other while fishing gear is deployed. The vessels would be using typical scup trawl fishing methods and the participants would be members of the small mesh scup trawl fleet, holding scup permits. To test the experimental gear, one vessel will have its scup net modified with the large-mesh belly panel installed into the first belly of the net, the other vessel will have the same scup net without the large-mesh belly panel added. The resulting catch data will identify the differences in catch between the standard net and the experimental net. The vessels will alternate the use of the standard net and the net with the experimental gear, giving each vessel the same amount of tows using each gear type. The two vessels would be of similar size and horsepower with identical doors, legs, and ground cables.

The vessels will concurrently conduct seven days of research fishing over the course of two to three trips, with a minimum of six tows per day for each vessel, with each tow lasting an hour. This will provide a minimum of 84 tows (42 with the standard net and 42 with the experimental net) for the research project. Each vessel would weigh its respective catch of both scup and windowpane flounder and measure the length of 100 random samples of each species after each tow. If fewer than 100 individuals from a sample species are caught, all individuals will be measured. The total weight of all additional species from each tow will be obtained either by weighing or by catch estimations.

The vessels would retain legal size scup and other legally permitted species to be landed and sold. Windowpane flounder and other prohibited species will not be retained. No additional mortality of fish species or interactions with protected species would occur during this project, beyond that of typical commercial scup trawl operations.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 20, 2015.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–21008 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2015–0055]

Request for Comments on a Proposed Pilot Program Exploring an Alternative Approach to Institution Decisions in Post Grant Administrative Reviews

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) is requesting comments on a proposed pilot program pertaining to the institution and conduct of the post grant administrative trials provided for in the Leahy-Smith America Invents Act (AIA). The AIA provides for the following post grant administrative trials: *Inter Partes* Review (IPR), Post-Grant Review (PGR), and Covered Business Method Review (CBM). The USPTO currently has a panel of three APJs decide whether to institute a trial, and then normally has the same three-APJ panel conduct the trial, if instituted. The USPTO is considering a pilot program under which the determination of whether to institute an IPR will be made by a single APJ, with two additional APJs being assigned to the IPR if a trial is instituted. Under this pilot program, any IPR trial will be conducted by a panel of three APJs, two of whom were not involved in the determination to institute the IPR.

DATES: *Comment Deadline Date:* To be ensured of consideration, written comments must be received on or before October 26, 2015.

ADDRESSES: Comments must be sent by electronic mail message over the Internet addressed to: *PTABTrialPilot@uspto.gov.* Electronic comments submitted in plain text are preferred, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. The comments will be available for viewing via the USPTO's Internet Web site (*http://www.uspto.gov*). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Scott R. Boalick, Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, by telephone at (571) 272–9797.

SUPPLEMENTARY INFORMATION:

Introduction: The first petitions for AIA post grant administrative trials were filed on September 16, 2012. Since then, over 3,600 petitions have been filed, and over 1,500 trials have been instituted. The USPTO has thus far been able to meet the demands placed on its resources created by the unexpectedly heavy workload. The Patent Trial and Appeal Board (PTAB) has issued over 2,200 decisions on institution and over 450 final written decisions. In three-plus years, the PTAB has not missed one statutory or regulatory deadline. At the same time, the PTAB has reduced the backlog of ex parte appeals.

Notwithstanding the success-to-date, the USPTO is pro-actively looking for ways to enhance its operations for the benefit of its stakeholders and therefore is interested in exploring alternative approaches that might improve its efficiency in handling AIA post grant proceedings while being fair to both sides and continuing to provide high quality decisions. Based upon comments received from the public through public fora and formal requests, the agency is considering a pilot program to test changing how the institution phase of a post grant proceeding is handled.

Once trial is instituted, the AIA mandates that the resulting trial be conducted before a three-member panel of the PTAB. Generally, under current practice, the same panel of three administrative patent judges (APJs) decides whether to institute and, if instituted, handles the remainder of the proceeding, much like how federal district court judges handle cases through motions to dismiss, summary

judgment, and trial. But a three-judge panel of the PTAB is not required under the statute prior to institution, and the USPTO believes it is prudent to explore other potentially more efficient options, especially given that the number of petitions filed may continue to increase.

To date and currently, the agency has intended to meet the resource demands on the PTAB due to both AIA post grant proceedings and ex parte appeals by hiring additional judges. Even with continued hiring, however, increases in filings and the growing number of cases may strain the PTAB's continuing ability to make timely decisions and meet statutory deadlines. Therefore, the agency wishes to explore and gain data on a potentially more efficient alternative to the current three-judge institution model. Having a single judge decide whether to institute trial in a post grant proceeding, instead of a panel of three judges, would allow more judges to be available to attend to other matters, such as reducing the ex parte appeal backlog and handling more post grant proceedings.

Background: As discussed previously, the AIA provides for IPR, PGR, and CBM trials, under which a petitioner may seek cancellation of one or more claims of a patent. The AIA provides that the Director decides whether to institute an IPR, PGR, or CBM trial. *See* 35 U.S.C. 314 and 324. An IPR is not instituted unless there is a determination that the petition demonstrates that there is a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable. *See* 35 U.S.C. 314(a). A PGR or CBM is not instituted unless there is a determination that the petition, if unrebutted, demonstrates that it is more likely than not that at least one of the claims challenged in the petition is unpatentable. *See* 35 U.S.C. 324(a). Alternatively, a PGR or CBM may be instituted where the petition raises a novel or unsettled legal question that is important to other patents or patent applications. *See* 35 U.S.C. 324(b). Once instituted, and after a trial is conducted, the PTAB issues a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added during the review. *See* 35 U.S.C. 318 and 328. The final determination in an IPR, PGR, or CBM must, with limited exceptions, be issued not later than one year after the date on which the institution of the IPR, PGR, or CBM is noticed. *See* 35 U.S.C. 316(a)(11) and 326(a)(11); 37 CFR 42.100(c), 200(c), and 300(c).

The authority to determine whether to institute and conduct a trial has been delegated to a Board member or employee acting with the authority of the Board. *See* 37 CFR 42.4; *see also Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions,* 77 FR 48612, 48647 (Aug. 14, 2012). As a result, neither the AIA nor the USPTO's rules require that an institution decision be made by a panel of multiple individuals within the USPTO. The AIA does, however, require that the final written decision in an IPR, PGR, or CBM be rendered by a panel of at least three APJs. *See* 35 U.S.C. 6(c). The PTAB has developed the practice of deciding whether to institute an IPR, PGR, or CBM trial via three-APJ panels, and then conducting the trial, if instituted, usually by the same three-APJ panel.

Proposed Pilot Program: The USPTO is seeking input on whether to conduct a pilot program under which a single APJ would decide whether to institute an IPR trial, with two additional APJs being assigned to conduct the IPR trial, if instituted. Under this pilot program, any IPR trial will be conducted by a panel of three APJs, two of whom were not involved in the determination to institute the IPR.

Conduct of Proposed Pilot Program: The USPTO is considering selecting certain petitions for inclusion in the proposed pilot program from among all IPR petitions filed during a specific period. The selection would continue for at least three and up to six months. The pilot program would be limited to IPRs. The USPTO would consider the results of this pilot program to determine whether and to what degree to implement this approach more generally in the future, for example, potentially only in response to an unusually high volume of petitions.

Due to the *inter partes* nature of IPR trials and the need to avoid selection bias during the evaluation of the results, it is not practical to allow petitioners or patentees to request participation in, or exclusion from, the pilot program.

Finally, it is possible that an IPR initially selected for the single-APJ pilot program will ultimately be determined unsuitable for inclusion in the pilot. In such a situation, the IPR would be removed from the proposed single-APJ pilot program.

Assignment of Trial Panel under the Single-Judge Pilot Program: If the single-APJ decision results in institution of trial, the PTAB would, after institution, assign two additional APJs to the panel for rendering interlocutory decisions, as needed, and for issuing a final written decision on the merits. The PTAB may assign three new APJs to the panel, for example, in the rare circumstance that the APJ who granted the institution is not available to sit on the panel post institution or where, due to workloads, it would be more efficient to assign a new three-judge panel to the proceeding. When possible, the trial panel assignment would maintain the role of the single APJ as the judge generally managing the proceeding during trial. This would ensure that the judge most familiar with the IPR has the responsibility of coordinating interlocutory activity with the parties during trial.

Scheduling Order: Typically, when trial is instituted, a scheduling order is entered concurrently with the decision on institution. To allow for coordination of deadlines and the trial panel's availability for oral argument and other due dates, the scheduling order in trials instituted pursuant to a decision under this pilot program will not be entered concurrently with the decision on institution. The PTAB expects that, after the trial panel is notified of the assignment, the panel will issue promptly a scheduling order for the IPR.

Question for Public Comment: The USPTO is inviting written comments from any member of the public on the pilot program under consideration. Specifically, the USPTO is seeking comment on any issue relevant to the design and implementation of a pilot program under which an IPR trial is conducted by a panel of three APJs in which two of the APJs were not involved in the determination to institute the IPR. In particular, the USPTO is seeking public input on the following questions.

Questions

1. Should the USPTO conduct the single-APJ institution pilot program as proposed herein to explore changes to the current panel assignment practice in determining whether to institute review in a post grant proceeding?

2. What are the advantages or disadvantages of the proposed single-APJ institution pilot program?

3. How should the USPTO handle a request for rehearing of a decision on whether to institute trial made by a single APJ?

4. What information should the USPTO include in reporting the outcome of the proposed single-APJ institution pilot program?

5. Are there any other suggestions for conservation and more efficient use of the judicial resources at the PTAB?

Dated: August 20, 2015.

Michelle K. Lee,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2015–21052 Filed 8–24–15; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Independent Review Panel on Military Medical Construction Standards (''the Panel'').

DATES:

Friday, September 11, 2015

8:00 a.m.–9:00 a.m. EDT (Administrative Working Meeting)

9:00 a.m.–11:30 a.m. EDT (Open Session)

11:30 a.m.–1:30 p.m. EDT (Administrative Working Meeting)

ADDRESSES: Falls Church Marriott Fairview Park, 3111 Fairview Park Drive, Falls Church, Virginia, 22042.

FOR FURTHER INFORMATION CONTACT: The Executive Director and Designated Federal Officer is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *Christine.e.bader.civ@mail.mil,* (703) 681–6653, Fax: (703) 681–9539. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *Kendal.l.brown2.ctr@mail.mil,* (703) 681–6670, Fax: (703) 681–9539.

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.

Purpose of the Meeting

At this meeting, the Panel will publically deliberate its findings and recommendations of its final report addressing the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year 2011 (Pub. L. 111–383), Section 2852(b) requirement to provide the Secretary of Defense independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set forth in this notice:

a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction;

b. Reviewing ongoing construction programs within the DoD to ensure medical construction standards are uniformly applied across applicable military centers;

c. Assessing the DoD approach to planning and programming facility improvements with specific emphasis on facility selection criteria and proportional assessment system; and facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments;

d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical (''the Master Plan''), dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Pub. L. 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Master Plan result in world class military medical centers in the National Capital Region; and

e. Making recommendations regarding any adjustments of the Master Plan that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 9:00 a.m. to 11:30 a.m. on September 11, 2015, as the Panel will meet in an open forum to deliberate the findings and recommendations that will be contained in the Panel's final report to the Secretary of Defense.

Availability of Materials for the Meeting

A copy of the agenda or any updates to the agenda for the September 11, 2015, meeting, as well as any other materials presented, may be obtained at the meeting.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Tuesday, September 1, 2015, to register.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the Panel may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the Panel may do so by submitting a written statement to the Executive Director (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

The Executive Director will review all timely submissions with the Panel Chairperson and ensure they are provided to members of the Panel before the meeting that is subject to this notice. After reviewing the written comments, the Panel Chairperson and the Executive Director may choose to invite the submitter to orally present their issue during the open portion of this meeting. The Executive Director, in consultation with the Panel Chairperson, may allot time for members of the public to present their issues for review and discussion by the Panel.

Dated: August 20, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–20956 Filed 8–24–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0106]

Agency Information Collection Activities; Comment Request; Study of Enhanced College Advising in Upward Bound

AGENCY: IES, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 26, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0106 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Marsha Silverberg, (202)208–7178.

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: Study of Enhanced College Advising in Upward Bound.

OMB Control Number: 1850–0912.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 2,836.

Total Estimated Number of Annual Burden Hours: 885.

Abstract: The Study of Enhanced College Advising in Upward Bound will test the effectiveness of providing Upward Bound projects with a professional development package and tools to provide semi-customized college advising to students participating in Upward Bound. Upward Bound projects were invited to volunteer for the demonstration, and approximately 200 projects that volunteered for the demonstration are included. Volunteer projects will be randomly assigned so that half receive the staff training, materials, tools, and resources in the first wave (spring 2015), and the other half will receive the staff training, materials, tools, and resources in the second wave (summer and fall 2016). The study will follow students who participate in both groups of projects as 11th graders in the 2014–2015 school year. The study will examine the impact of the demonstration on key outcomes including college application behavior, college acceptance and matriculation, and receipt of financial aid. The first of two ICRs for the study requested approval for the overall evaluation design, to collect 11th grade student rosters at each participating project and to administer the student baseline survey; the first ICR was approved on 8/8/2014. This is the second of two ICRs and requests approval for the remaining data collection activities, including a project survey, a follow-up student survey, and administrative records. Three reports will be produced, with one (expected 2017) reporting on the outcomes measures prior to high school graduation; a second (expected 2018) reporting on the results regarding actual college enrollment, college selectivity and use of Federal financial aid; and a third (expected 2020) reporting results regarding college persistence. The analyses will be both descriptive (distributions and means) and causal (using standard regression analyses to estimate impacts).

Dated: August 20, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–20964 Filed 8–24–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0081]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; ED School Climate Surveys (EDSCLS) Benchmark Study 2016

AGENCY: Institute of Education Sciences (IES)/National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before September 24, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0081 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education,

400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, (202) 502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: ED School Climate Surveys (EDSCLS) Benchmark Study 2016.

OMB Control Number: 1850—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Voluntary.

Total Estimated Number of Annual Responses: 358,649.

Total Estimated Number of Annual Burden Hours: 190,665.

Abstract: The ED School Climate Surveys (EDSCLS) are a suite of survey instruments being developed for schools, districts, and states by the U.S. Department of Education's (ED) National Center for Education Statistics (NCES). This national effort extends current activities that measure school climate, including the state-level efforts of the Safe and Supportive Schools (S3) grantees, which were awarded funds in 2010 by the ED's Office of Safe and Healthy Students (OSHS) to improve school climate. Through the EDSCLS, schools nationwide will have access to survey instruments and a survey platform that will allow for the collection and reporting of school climate data across stakeholders at the local level. The surveys can be used to produce school-, district-, and state-level scores on various indicators of school climate from the perspectives of students, teachers, noninstructional school staff and principals, and parents and guardians. This request is to conduct a national EDSCLS benchmark study, collecting data from a nationally representative sample of schools across the United States, to create a national comparison point for users of EDSCLS. A nationally representative sample of 500 schools serving students in grades 5–12 will be sampled to participate in the national benchmark study in spring 2016. The data collected from the sampled schools will be used to produce national school climate scores on the various topics covered by EDSCLS, which will be released in the updated EDSCLS platform and provide a basis for comparison between data collected by schools and school systems and the national school climate.

Dated: August 20, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–20958 Filed 8–24–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance: Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Department of Education.

ACTION: Announcement of open teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming open teleconference meeting of the Advisory Committee on Student Financial Assistance. This notice also describes the functions of the Advisory Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: The Committee will meet via teleconference on Wednesday, September 9, 2015, beginning at 3:00 p.m. and ending at approximately 3:30 p.m. (EDT).

ADDRESSES: Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 555 New Jersey Ave. NW., Suite 522, Washington DC 20202–7582.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Jones, Executive Officer, Advisory Committee on Student Financial Assistance, Capitol Place, 555 New Jersey Ave. NW., Suite 522, Washington DC 20202–7582, (202) 219–2099.

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under title IV of the Higher Education Act. In addition, Congress expanded the Advisory Committee's mission in the Higher Education Opportunity Act of 2008 to include several important areas: Access, title IV modernization, early information and needs assessment and review and analysis of regulations. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

Meeting Agenda

The Advisory Committee has scheduled this teleconference for the sole purpose of electing an ACSFA member to serve as chair and a member to serve as vice-chair for one year beginning October 1, 2015.

Space at the New Jersey Avenue meeting site and ''dial-in'' (listen only) line for the teleconference meeting is limited, and you are encouraged to register early if you plan to attend. You may register by sending an email to the following email address: *tracy.deanna.jones@ed.gov.* Please include your name, title, affiliation, complete address (including Internet and email, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219–3032. You may also contact the Advisory Committee staff directly at (202) 219–2099. The registration

deadline is Wednesday, September 2, 2015.

Access to Records of the Meeting: The Department will post the official report of the meeting on the Committee's Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 555 New Jersey Ave. NW., Suite 522, Washington, DC, or by emailing *acsfa@ed.gov* or by calling (202) 219–2099 to schedule an appointment.

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.

Authority: Section 491 of the Higher Education Act of 1965 as amended by Pub. L. 100–50 (20 U.S.C. 1098).

William J. Goggin,

Executive Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 2015–20946 Filed 8–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

[OE Docket No. EA–415]

Application To Export Electric Energy; Lion Shield Energy, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Lion Shield Energy, LLC (Applicant) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 24, 2015.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On August 14, 2015, DOE received an application from the Applicant for authority to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities.

In its application, the Applicant states that it does not own or control any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that the Applicant proposes to export to Mexico would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Applicant's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–415. An additional copy is to be provided to Sergio Blanchet, Lion Shield Energy, LLC, 1095 Evergreen Circle, Suite 200, The Woodlands, TX 77380.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845*, or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on August 19, 2015.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2015–20978 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–117–000.

Applicants: Parrey, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Parrey, LLC.

Filed Date: 8/18/15.

Accession Number: 20150818–5041.

Comments Due: 5 p.m. ET 9/8/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1740–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2015–08–17–SA 1972 Deficiency Response GRE–OTP Sub 3rd Rev GIA (G645/G788) to be effective 7/18/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5223.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–1950–000.

Applicants: Southern Power Company.

Description: Response to July 24, 2015 letter requesting additional information of Georgia Power Company.

Filed Date: 8/17/15.

Accession Number: 20150817–5268.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2463–000.

Applicants: MDU Resources Group, Inc.

Description: § 205(d) Rate Filing: Operation and Maintenance Agreement for Big Stone South to Ellendale to be effective 6/12/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5157.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2464–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Transmission Exchange Agreement with MDU to be effective 10/17/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5160.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2465–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Extension Facilities Agreement with MDU to be effective 10/17/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5163.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2466–000.

Applicants: PJLB LLC.

Description: Baseline eTariff Filing: PJLB LLC, FERC Electric Tariff to be effective 10/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5168.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2467–000.

Applicants: Southwestern Electric Power Company.

Description: § 205(d) Rate Filing: Cleco Robson Road Interconnection Agreement Cancellation to be effective 8/17/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5170.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2468–000.

Applicants: Liberty Utilities (Granite State Electric) Corp.

Description: § 205(d) Rate Filing: Borderline Sales Rate Sheet Update to be effective 5/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5225.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2469–000.

Applicants: R.E. Ginna Nuclear Power Plant, LLC.

Description: § 205(d) Rate Filing: 2015 normal Aug to be effective 8/17/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5226.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2470–000.

Applicants: Longreach Energy, LLC.

Description: Baseline eTariff Filing: Longreach Energy LLC MBR Application to be effective 10/1/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5042.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2471–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2016–2017.

Filed Date: 8/17/15.

Accession Number: 20150817–5283.

Comments Due: 5 p.m. ET 9/8/15.

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 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20939 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–92–000]

Louisville Gas and Electric Company; Kentucky Utilities Company; Notice of Filing

Take notice that on August 14, 2015, Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E/KU) submitted a petition for waiver and request for expedited review in connection with a proposed refined coal sale arrangement between LG&E/KU and Clean Coal Solutions LLC.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 4, 2015.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20986 Filed 8–24–15; 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: EC15–190–000.

Applicants: Town Square Energy, LLC, Town Square Energy East, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Consideration of Town Square Energy, LLC, *et al.*

Filed Date: 8/17/15.

Accession Number: 20150817–5148.

Comments Due: 5 p.m. ET 9/8/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1950–000.

Applicants: Southern Power Company.

Description: Response to July 24, 2015 letter requesting additional information of Southern Power Company.

Filed Date: 8/17/15.

Accession Number: 20150817–5123.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2327–001.

Applicants: Appalachian Power Company.

Description: Tariff Amendment: OATT—Revise Attachments K, TCC & TNC Rate Update Amendment to be effective 12/31/9998.

Filed Date: 8/14/15.

Accession Number: 20150814–5224.

Comments Due: 5 p.m. ET 9/4/15.

Docket Numbers: ER15–2456–000.

Applicants: PacifiCorp.

Description: Section 205(d) Rate Filing: Georgia-Pacific E&P Agmt—Troutdale Sub to be effective 10/14/2015.

Filed Date: 8/14/15.

Accession Number: 20150814–5222.

Comments Due: 5 p.m. ET 9/4/15.

Docket Numbers: ER15–2457–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: GIA and Dist. Serv Agmt for Windland Refresh 2 Project WDT879QFC to be effective 8/15/2015.

Filed Date: 8/14/15.

Accession Number: 20150814–5226.

Comments Due: 5 p.m. ET 9/4/15.

Docket Numbers: ER15–2458–000.

Applicants: Pacific Gas and Electric Company.

Description: Section 205(d) Rate Filing: SMUD Distribution Construction Agreement to be effective 8/15/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5003.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2459–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: 1886R4 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5097.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2460–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: 1888 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5107.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2461–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: 1891R4 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5114.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2462–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: 1895R4 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2015.

Filed Date: 8/17/15.

Accession Number: 20150817–5117.

Comments Due: 5 p.m. ET 9/8/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–8–001.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing of the North American Electric Reliability Corporation in Response to Paragraph 18 of June 18, 2015 Order Concerning Amendments to NERC's Working Capital and Operating Reserve Policy.

Filed Date: 8/14/15.

Accession Number: 20150814–5248.

Comments Due: 5 p.m. ET 9/4/15.

Docket Numbers: RR15–14–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of North American Electric Reliability Corporation for Approval of the Amendments to Exhibit B of the Amended and Restated Delegation Agreement with Midwest Reliability Organization, Inc.—the MRO Bylaws.

Filed Date: 8/14/15.

Accession Number: 20150814–5303.

Comments Due: 5 p.m. ET 8/28/15.

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 17, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20938 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–90–000]

Merricourt Power Partners, LLC v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on August 17, 2015, pursuant to section 206 and 306 of the Federal Power Act (FPA), 16 U.S.C. 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Merricourt Power Partners, LLC (Merricourt or Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent or MISO) alleging that MISO's refusal to amend Complainant's generation interconnection agreement (GIA) to extend the commercial operation date is unjust, unreasonable and unduly discriminatory and preferential in violation of the FPA, as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts for MISO and Montana-Dakota Utilities Company, the interconnecting transmission owner, as listed on the Commission's list of Corporate Officials and in the GIA.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 1, 2015.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20984 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–25–000]

Freeport LNG Development, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Planned Freeport LNG Train 4 Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Freeport LNG Train 4 Project involving construction and operation of facilities by Freeport LNG Development, L.P. (Freeport LNG) in Brazoria, Texas. The Commission will use this EA in its decision-making process to determine whether the planned project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 18, 2015.

If you sent comments on this project to the Commission before the opening of this docket on June 3, 2015, you will need to file those comments in Docket No. PF15–25–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF15–25–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Planned Project

Freeport LNG intends to add a fourth liquefaction unit to Freeport LNG's natural gas liquefaction facilities on Quintana Island in Brazoria County, Texas. The Freeport LNG Train 4 Project (Train 4 Project) would be located west and adjacent to the facilities authorized and currently under construction for the Phase II Modification Project (Docket No. CP12–29–000) and Liquefaction Project (Docket No. CP12–509–000), which comprises three liquefaction trains and related facilities. Train 4 would be within the existing Freeport LNG site boundary.

Freeport LNG indicates that the Train 4 Project would provide additional liquefaction capacity of approximately 5.1 million metric tonnes per annum (mtpa) of LNG for export, which equates to a natural gas throughput capacity of approximately 0.72 billion cubic feet per day (Bcf/d). This would enable Freeport LNG to respond favorably and proactively to short- and longer-term fluctuations in domestic and global gas markets.

The Freeport LNG Train 4 Project would consist of the following facilities:

- A propane pre-cooled mixed refrigerant liquefaction unit;
- a feed gas receiving and metering station;
- utility, auxiliary, and control systems, including common utilities, spill containment systems, fire and safety systems, one electric substation, security systems, and plant roads.

The general location of the project facilities is shown in Appendix 1.[1]

Land Requirements for Construction

The Train 4 Project liquefaction facilities would be entirely within the Freeport LNG's existing site boundary on Quintana Island in Brazoria County, Texas. Construction of the liquefaction facilities would be within areas approved as temporary work space for the Phase II Modification Project and Liquefaction Project. Construction of the Train 4 Project liquefaction facilities is expected to affect about 87 acres of land.

Following construction, Freeport LNG would maintain about 21 acres for permanent operation of the Train 4 Project's facilities; the remaining acreage would be restored and revert to former uses.

Non-jurisdictional Facilities

The facility will receive natural gas from a 2,000-foot-long intrastate natural gas pipeline (feed gas pipeline) and power from a five-mile-long electric line

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

to be provided by CenterPoint Energy. These facilities would extend beyond the existing site boundary. Although FERC doesn't have the regulatory authority to modify or deny the construction of the above-described facilities, we will disclose available information regarding the construction impacts in the cumulative impacts section of our EA.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the authorization of natural gas facilities under Section 3 of the Natural Gas Act. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all comments filed during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife, including endangered and threatened species;
- socioeconomics;
- visual impacts;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. If we publish and distribute the EA to the public there will be an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Texas State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Freeport LNG. This preliminary list of issues may change based on your comments and our analysis.

- visual impacts
- noise and air emissions
- traffic
- cumulative impacts

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

Once Freeport LNG files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–25). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20990 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2473–000]

HIC Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of HIC Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 8, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20987 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–542–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on August 10, 2015, WBI Energy Transmission, Inc. (WBI), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in Docket No. CP15–542–000 a prior notice request pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), as amended, requesting authorization to install and operate new mainline natural gas facilities in North Dakota (Project). Specifically, WBI proposes to: (i) Install a new 1,380 horsepower compressor unit at the Charbonneau Compressor Station in McKenzie County; (ii) retrofit the existing compressor unit at the Williston Compressor Station in Williams County; (iii) install an additional regulator at the Minot Transfer Station in Ward County; and (iv) install various appurtenances. WBI states that the Project will make available an additional 18,200 dekatherms per day of firm transportation capacity from the Bakken Shale to an existing interconnect with Northern Border Pipeline Company at an estimated cost of $3,650,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also 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 Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, by telephone at (701) 530–1560 or by email at *keith.tiggelaar@wbienergy.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 pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20983 Filed 8–24–15; 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 the Florida Reliability Coordinating Council, Inc.'s (FRCC) Regional Transmission Planning Process.

The FRCC Open Stakeholder Meeting

August 26, 2015, 9:30 a.m.–11:00 p.m. (Eastern Time)

The above-referenced meeting will be via Web conference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *https://www.frcc.com/order1000/default.aspx.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER13–80–006, *Tampa Electric Company.*

Docket No. ER13–86–006, *Duke Energy Carolinas, LLC.*

Docket No. ER13–104–007, *Florida Power & Light Company.*

Docket No. NJ15–15–000, *Orlando Utilities Commission.*

For more information, contact Rhonda Jones, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6154 or *Rhonda.Jones@ferc.gov.*

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20989 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–528–000]

Equitrans, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Proposed TP–371 Pipeline Replacement Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the TP–371 Pipeline Replacement Project (TP–371 Project) involving abandonment and the construction and operation of replacement facilities by Equitrans, L.P. (Equitrans) in Armstrong and Indiana Counties, Pennsylvania. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 18, 2015.

If you sent comments on this project to the Commission before the opening of this docket on July 10, 2015, you will need to file those comments in Docket No. CP15–528–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Equitrans provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for

viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP15–528–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Equitrans is seeking a Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act (NGA) to construct and operate a natural gas transmission pipeline and related facilities in Armstrong and Indiana Counties, Pennsylvania, and permission under Section 7(b) of the NGA to abandon in place an adjacent, existing segment of pipeline. No change in the transportation capacity of the existing pipeline system is proposed. According to Equitrans, its project would upgrade the existing system to allow for in-line inspection and improve the operational efficiency and reliability.

The TP–371 Project would consist of the following facilities:

- Construction of about 21.0 miles of new 20-inch-diameter natural gas pipeline mostly adjacent to the abandoned pipeline extending from Equitrans' existing pipeline system in Armstrong County, Pennsylvania to the Egry Interconnect in Indiana County, Pennsylvania (the replacement segment);
- abandonment of about 21.0 miles of existing 12-inch-diameter natural gas pipeline (the existing segment) that primarily parallels the replacement segment;
- installation of a pig [1] launcher/receiver facility;
- installation of five mainline valve sites;
- transfer of seven tie-in locations from the existing facilities to the replacement segment;
- construction of two new ground beds for cathodic protection, and modification of a third;
- temporary and permanent access roads; and
- temporary laydown/contractor yards.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 329 acres of land for the pipeline and facilities, including lands needed for abandonment of the existing segment and facilities. Following construction, Equitrans would maintain about 131 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 95 percent of the proposed pipeline route parallels the existing segment and overlaps Equitrans existing right-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, no agencies have expressed their intention to participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this

[1] A ''pig'' is a device to clean or inspect the pipeline. A pig launcher/receiver is an aboveground facility where pigs are inserted or retrieved from the pipeline.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–528). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20991 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–91–000; Docket No. QF15–885–001]

Greycliff Wind Prime, LLC; Greycliff Wind Prime, LLC; Notice of Petition for Declaratory Order

Take notice that on August 17, 2015, pursuant to section 210(h) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a–3(h)(2006) and Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), Greycliff Wind Prime, LLC (Greycliff or Petitioner) filed a petition for declaratory order requesting that the Commission take enforcement action under section 210(h) of PURPA against the Montana Public Service Commission (MPSC) for its continued reliance on A.R.M. 38.5.1902(5) (Montana Rule), or in the alternative, Greycliff seeks a declaratory order finding that the MPSC's continued reliance on the Montana Rule, and MPSC decisions interpreting the Montana Rule, fail to implement PURPA and the Commission's regulations thereunder, alleging that the Montana Rule eliminates the rights of qualifying facilities to create a legally enforceable obligation and to choose how to sell their energy capacity, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 16, 2015.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20985 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1938–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2015–08–18_MISO–SPP Order 1000 Compliance to be effective 3/30/2014.

Filed Date: 8/18/15.

Accession Number: 20150818–5134.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2472–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–08–18_SA 2829 Entergy Arkansas-Pine Bluff Energy GIA (J328) to be effective 8/19/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5109.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2473–000.

Applicants: HIC Energy, LLC.

Description: Baseline eTariff Filing: HIC Energy MBR Application to be effective 10/18/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5116.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2474–000.

Applicants: Puget Sound Energy, Inc.

Description: Initial rate filing: Kittitas NITSA Amendment No 2 SA No. 506 to be effective 2/1/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5124.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2475–000.

Applicants: Puget Sound Energy, Inc.

Description: Initial rate filing: Sumas NITSA Amendment No 2 SA No. 626 to be effective 2/1/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5125.

Comments Due: 5 p.m. ET 9/8/15.

Docket Numbers: ER15–2476–000.

Applicants: Puget Sound Energy, Inc.

Description: Initial rate filing: Tanner Electric NITSA Amendment No 2 SA No 543 to be effective 2/1/2015.

Filed Date: 8/18/15.

Accession Number: 20150818–5128.

Comments Due: 5 p.m. ET 9/8/15.

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 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–20940 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2477–000]

Golden Hills Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Golden Hills Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 8, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20988 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission or Commission Staff Attendance at MISO Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and Commission staff may attend the following MISO-related meetings:

- Advisory Committee (10:00 a.m.–3:00 p.m., Local Time)
  - August 26, 350 Market St., St. Paul, MN
  - September 23
  - October 21, 3 Statehouse Plaza, Little Rock, AR
  - November 18
  - December 9
- Board of Directors Audit & Finance Committee
  - August 26, 350 Market St., St. Paul, MN, (2:00 p.m.–3:30 p.m.)
  - September 24 (1:30 p.m.–3:30 p.m.)
  - October 21 (4:30 p.m.–6:00 p.m.)

- Board of Directors (8:30 a.m.–10:00 a.m., Local Time)
  - August 27, 350 Market St., St. Paul, MN
  - October 22
  - December 10
- Board of Directors Markets Committee (8:00 a.m.–10:00 a.m., Local Time)
  - August 26, 350 Market St., St. Paul, MN (Starts at 7:30 a.m.)
  - September 23
  - October 21, 3 Statehouse Plaza, Little Rock, AR
  - November 18
  - December 9
- Board of Directors System Planning Committee
  - August 26, 350 Market St., St. Paul, MN, (4:00 p.m.–6:00 p.m.)
  - October 15, (12:30 p.m.–2:00 p.m.)
  - November 19 (1:00 p.m.–3:00 p.m.)
  - December 9 (3:30–5:30 p.m.)
- MISO Informational Forum (3:00 p.m.–5:00 p.m., Local Time)
  - August 25, 350 Market St., St. Paul, MN
  - October 20, 3 Statehouse Plaza, Little Rock, AR
  - November 17
  - December 15
- MISO Market Subcommittee (9:00 a.m.–4:00 p.m., Local Time)
  - September 1
  - September 29
  - October 27
  - December 1
- MISO Supply Adequacy Working Group (9:00 a.m.–5:00 p.m., Local Time)
  - September 3
  - October 1
  - October 29
  - December 3
- MISO Regional Expansion Criteria and Benefits Task Force
  - October 12
- MISO Planning Advisory Committee (9:00 a.m.–5:00 p.m., Local Time)
  - September 16
  - October 14
  - November 11
  - December 16

Unless otherwise noted all of the meetings above will be held at: MISO Headquarters, 701 City Center Drive, 720 City Center Drive, and, Carmel, IN 46032.

Further information may be found at *www.misoenergy.org.*

The above-referenced meetings are open to the public.

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. EL14–21, *Southwest Power Pool, Inc.* v. *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–1174, *Southwest Power Pool, Inc.*
Docket No. ER14–2850, *Southwest Power Pool, Inc.*
Docket No. ER09–1431, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–3279, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–4081, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–678, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2302, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2706, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1266, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1265, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1194, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–309, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER13–692, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2375, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2376, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2379, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2124, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2378, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2337, *Midcontinent Independent System Operator, Inc.*
Docket No. EL13–88, *Northern Indiana Public Service Corp. v Midcontinent Independent System Operator, Inc., et al.*
Docket No. EL14–12, *ABATE et al. v Midcontinent Independent System Operator, Inc., et al.*
Docket No. AD12–16, *Capacity Deliverability across the MISO/PJM Seam*
Docket No. AD14–3, *Coordination of Energy and Capacity across the MISO/PJM Seam*
Docket No. ER13–2124, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–1736, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2605, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2952, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2156, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–142, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–685, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–945, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–530, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1067, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–767, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1776, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1877, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1210, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1890, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1289, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1345, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–1923, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2050, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1440, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2145, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2186, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2190, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2227, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2256, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2269, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–1571, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2338, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–2364, *Midcontinent Independent System Operator, Inc.*
Docket No. EL15–90, *Merricourt Power Partners, LLC v Midcontinent Independent System Operator, Inc.*
Docket No. EL15–69, *Acciona Wind v Midcontinent Independent System Operator, Inc.*
Docket No. EL15–71, *The People of the State of Illinois v Midcontinent Independent System Operator, Inc.*
Docket No. *EL15–70, Public Citizen, Inc. v Midcontinent Independent System Operator, Inc.*
Docket No. EL15–77, *Morgan Stanley Capital Group, Inc. v Midcontinent Independent System Operator, Inc.*
Docket No. EL15–82, *Illinois Industrial Consumers v Midcontinent Independent System Operator, Inc.*

Docket No. EL15–89, *Boston Energy Trading and Marketing, LLC v Midcontinent Independent System Operator, Inc.*

For more information, contact Patrick Clarey, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov,* or Christopher Miller, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5936 or *christopher.miller@ferc.gov*.

Dated: August 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–20992 Filed 8–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Central Valley Project, California-Oregon Transmission Project, Pacific Alternating Current Intertie, and Information on the Path 15 Transmission Upgrade-Rate Order No. WAPA–173

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Extension of Power, Transmission, and Ancillary Services Formula Rates.

SUMMARY: The Western Area Power Administration (Western), a power marketing administration within the U.S. Department of Energy (DOE), proposes to extend the existing Central Valley Project power, transmission, and ancillary services formula rates, California-Oregon Transmission Project transmission formula rate, Pacific Alternating Current Intertie transmission formula rate, and third-party transmission service formula rate through September 30, 2019. The existing Rate Schedules CV–F13, CPP–2, CV–T3, CV–NWT5, COTP–T3, PACI–T3, CV–TPT7, CV–UUP1, CV–SPR4, CV–SUR4, CV–RFS4, CV–EID4, and CV–GID1 expire on September 30, 2016.

DATES: A consultation and comment period starts with the publication of this notice and will end on September 24, 2015. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: Send written comments to: Mr. Subhash Paluru, Regional Manager, or Ms. Regina Rieger, Rates Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710; or email comments to *SNR-Rates@wapa.gov.* All documents that Western used to develop this proposed rate extension are available for inspection and copying at the Sierra Nevada Region, located at 114 Parkshore Drive, Folsom, CA 95630–4710.

FOR FURTHER INFORMATION CONTACT: Ms. Regina Rieger, Rates Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710, telephone (916) 353–4629, email *rieger@wapa.gov.*

SUPPLEMENTARY INFORMATION: Western proposes to extend the current rate schedules through September 30, 2019. A three-year formula rate extension followed by a five-year formula rate adjustment process will align with the end of the 2004 Power Marketing Plan, allowing Western time to review existing formula rate methodologies, solicit input from its customers and other interested parties, and determine whether revisions to those methodologies are warranted. The existing rates provide sufficient revenue to repay all annual expenses, including interest expense, and to repay capital investments within the allowable periods, thus ensuring repayment within the cost recovery criteria set forth in DOE Order RA 6120.2.

By Delegation Order No. 00–037.00A, effective October 25, 2013, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC).

FERC confirmed and approved the existing formula rates defined in Rate Schedules CV–F13, CPP–2, CV–T3, CV–NWT5, COTP–T3, PACI–T3, CV–TPT7, CV–UUP1, CV–SPR4, CV–SUR4, CV–RFS4, CV–EID4, and CV–GID1, filed under Rate Order No. WAPA–156,[1] on a final basis for five years through September 30, 2016.[2] In accordance with 10 CFR 903.23(a), Western proposes to extend the existing power, transmission, and ancillary services formula rates without an adjustment. The rates and revenue requirements resulting from the approved formula rate methodologies are recalculated each year, based on updated financial and operational data. Western notifies customers in writing and posts updated rates to its Rates Web site: *https://www.wapa.gov/regions/SN/rates/Pages/rates.aspx* and the Open Access Same-Time Information Site: *http://www.oasis.oati.com/wasn/index.html,* as necessary.

In accordance with 10 CFR 903.23, Western determined it is not necessary to hold a public information or public comment forum. Western will post comments received to its Rates Web site, noted above, after the close of the comment period. Comments must be received by the end of the comment and consultation period to ensure they are considered by Western. After review of public comments, Western will take further action on the proposed formula rate extension consistent with 10 CFR 903.23.

Dated: August 18, 2015.

Mark A. Gabriel,

Administrator.

[FR Doc. 2015–20976 Filed 8–24–15; 8:45 am]

BILLING CODE 6450–01–P

[1] *See* 76 FR 56,906 (September 14, 2011).

[2] *See U.S. Dept. of Energy, Western Area Power Admin.,* Docket No. EF11–9–000, 137 FERC ¶ 62,201 (2011).

EVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0022; FRL–9932–67]

Pesticide Product Registrations; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before September 24, 2015.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the EPA Registration Number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Director, Registration Division (RD) (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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by EPA on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation Web site for additional information on this process *http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions.* EPA received the following applications to register new uses for pesticide products containing currently registered active ingredients:

1. *EPA Registration Numbers:* 100–889 and 100–963. *Docket ID number:* EPA–HQ–OPP–2015–0554. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Thiabendazole. *Product type:* Fungicide. *Proposed use:* Seed treatment for legume vegetables (succulent or dried), crop group 6; and foliage of legume vegetables, crop group 7. *Contact:* RD.

2. *EPA Registration Numbers:* 59639–185 and 59639–186. *Docket ID number:* EPA–HQ–OPP–2015–0534. *Applicant:* Valent U.S.A. Corp., 1600 Riviera Ave., Ste. 200, Walnut Creek, CA 94596. *Active ingredient:* Ethaboxam. *Product type:* Fungicide. *Proposed use:* Seed treatment for sunflower, crop subgroup 20B. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 18, 2015.

John E. Leahy, Jr.,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2015–21038 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9933–07–OARM]

Good Neighbor Environmental Board; Notification of Public Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Advisory Committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Good Neighbor Environmental Board will hold a public meeting on Thursday, September 17 and Friday, September 18, 2015 in San Diego, CA. The meeting is open to the public.

DATES: The Good Neighbor Environmental Board will hold an open meeting on Thursday, September 17 from 9:00 a.m. (registration at 8:30 a.m.) to 5:45 p.m. The following day, Friday, September 18 the Board will meet from 8:30 a.m. (registration at 8:00 a.m.) until 4:00 p.m.

SUPPLEMENTARY INFORMATION:

Background: The Good Neighbor Environmental Board (Board) is a federal advisory committee chartered under the Federal Advisory Committee Act, PL 92463. By statute, the Board is required to submit an annual report to the President and Congress on environmental and infrastructure issues along the U.S. border with Mexico.

Purpose of Meeting: The purpose of this open meeting is to discuss the Good Neighbor Environmental Board's upcoming advice letter and Seventeenth Report. Both the advice letter and the report will focus on climate change resiliency in the U.S.-Mexico border region.

ADDRESSES: The meeting will be held at the Wyndham San Diego Bayside, 1355 North Harbor Drive, San Diego, CA, 92101. The phone number is 1–619–232–3861. The meeting is open to the public, with limited seating on a first-come, first-serve basis.

General Information: The agenda will be available at *http://www2.epa.gov/faca/gneb.* General information about the Board can be found on its Web site at *http://www2.epa.gov/faca/gneb.* If you wish to make oral comments or submit written comments to the Board, please contact Ann-Marie Gantner at least five days prior to the meeting. Written comments should be submitted Ann-Marie Gantner at *gantner.ann-marie@epa.gov.*

Meeting Access: For information on access or services for individuals with disabilities, please contact Ann-Marie Gantner at (202) 564–4330 or email at *gantner.ann-marie@epa.gov.* To request accommodation of a disability, please contact Ann-Marie Gantner at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: August 18, 2015.

Ann-Marie Gantner,

Acting Designated Federal Officer.

[FR Doc. 2015–21016 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0766; FRL–9931–05]

Final Test Guidelines; Endocrine Disruptor Screening Program Test Guidelines (Series 890); Three Tier 2 Non-Mammalian Tests; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of three Office of Chemical Safety and Pollution Prevention (OCSPP) final test guidelines: Medaka Extended One-generation Reproduction Test (MEOGRT), OCSPP Test Guideline 890.2200; Larval Amphibian Growth and Development Assay (LAGDA), OCSPP Test Guideline 890.2300; and Avian Two-generation Toxicity Test in the Japanese Quail (JQTT), OCSPP Test Guideline 890.2100. These test guidelines are part of a series of test guidelines established by OCSPP for use in testing pesticides and chemical substances. The test guidelines serve as a compendium of accepted scientific methodologies and protocols that are intended to provide data to inform regulatory decisions. The test guidelines provide guidance for conducting the test and are also used by EPA, the public, and companies that submit data to EPA.

FOR FURTHER INFORMATION CONTACT: Sharlene Matten, telephone number: (202) 564–0130, email address: *matten.sharlene@epa.gov* or Jane Robbins, telephone number: (202) 564–6625; email address: *robbins.jane@epa.gov,* Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is announcing the availability of three final test guidelines: Medaka Extended One-generation Reproduction Test (MEOGRT), OCSPP Test Guideline 890.2200; Larval Amphibian Growth and Development Assay (LAGDA), OCSPP Test Guideline 890.2300; and Avian Two-generation Toxicity Test in the Japanese Quail (JQTT), OCSPP Test Guideline 890.2100. These test guidelines are part of a series of test guidelines established by OCSPP for use in testing pesticides and chemical substances to develop data for submission to the Agency under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408 (21 U.S.C. 346a), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*), and the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*). The test guidelines serve as a compendium of accepted scientific methodologies and protocols that are intended to provide data to inform regulatory decisions under TSCA, FIFRA, and/or FFDCA.

The test guidelines provide guidance for conducting the test and are also used by EPA, the public, and companies that are subject to data submission requirements under TSCA, FIFRA, and/or FFDCA. As guidance documents, the test guidelines are not binding on either EPA or any outside parties and EPA may depart from the test guidelines where circumstances warrant and without prior notice. At places in this guidance, the Agency uses the word ''should.'' In this guidance, use of ''should'' with regard to an action means that the action is recommended rather than mandatory. The procedures contained in the test guidelines are recommended for generating the data that are the subject of the test guideline, but EPA recognizes that departures may be appropriate in specific situations. You may propose alternatives to the recommendations described in the test guidelines and the Agency will assess them for appropriateness on a case-by-case basis.

II. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of pesticides and chemical substances for submission to EPA under TSCA, FIFRA, and/or FFDCA, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

1. *Docket for this document.* The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0766 is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

2. *Electronic access to the OCSPP test guidelines.* To access OCSPP test guidelines electronically, please go to *http://www.epa.gov/ocspp/pubs/frs/home/testmeth.htm.* You may also access the test guidelines in *http://www.regulations.gov,* grouped by series under docket ID numbers: EPA–HQ–OPPT–2009–0150 through EPA–HQ–OPPT–2009–0159 and EPA–HQ–OPPT–2009–0576.

III. Overview

A. What action is EPA taking?

EPA is announcing the availability of three final test guidelines that are being added to its 890 Series, entitled ''Endocrine Disruptor Screening Program Test Guidelines'' and identified as follows:

1. OCSPP Test Guideline 890.2200, entitled *Endocrine Disruptor Screening Program Test Guidelines; Medaka Extended One-generation Reproduction Test.*

2. OCSPP Test Guideline 890.2300, entitled *Endocrine Disruptor Screening Program Test Guidelines; Larval Amphibian Growth and Development Assay.*

3. OCSPP Test Guideline 890.2100, entitled *Endocrine Disruptor Screening*

Program Test Guidelines; Avian Two-generation Toxicity Test in the Japanese Quail.

B. How Were These Final Test Guidelines Developed?

On January 30, 2015, the Agency released three draft non-mammalian test guidelines for public review and comment as described in a **Federal Register** notice (80 FR 5107) (FRL–9919–43) (Ref. 1). These three draft test guidelines were subsequently revised based on public comments, existing EPA test guidelines, and concurrent Organisation for Economic Co-operation and Development (OECD) test guidelines for MEOGRT (Ref. 2) and LAGDA (Ref. 3).

Comments were submitted by representatives from the following organizations: Endocrine Policy Forum, SynTech Research Laboratory Services, American Petroleum Institute, Wildlife International, People for Ethical Treatment of Animals, the Physicians Committee for Responsible Medicine, and the Humane Society of the United States. Comments were grouped according to each test guidelines: JQTT (890.2100), MEOGRT (890.2200) and LAGDA (890.2300).

EPA worked with the OECD to harmonize test guidelines for MEOGRT (Ref. 2) and LAGDA (Ref. 3). The OECD test guidelines were approved at the Working Group of National Coordinators of the Test Guidelines Programme (WNT) and endorsed by the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology in June 2015 prior to EPA finalizing the U.S. MEOGRT and LAGDA test guidelines. EPA revised the terminology, procedures, and statistical practices to harmonize the MEOGRT and LAGDA test guidelines with analogous OECD's test guidelines and at the same time incorporated public comments received that were not already addressed in the harmonization.

A summary of the substantive changes reflected in the final U.S. MEOGRT and LAGDA test guidelines is provided:

1. The option for extending the MEOGRT through F2 generation reproduction has been removed from the final test guideline pending additional data. The test will end following hatching of the F2 offspring. This is consistent with the decision made in the draft OECD test guideline for MEOGRT. This test guideline may be updated as new information and data are considered. For example, guidance on extending the F2 generation through reproduction may be potentially useful under certain circumstances (*e.g.,* chemicals with high bioconcentration potential or indications of trans-generational effects in other taxa).

2. The mean water temperature over the duration of the MEOGRT has been changed to 25 ± 2 °C to be consistent with the analogous OECD test guideline.

3. The LAGDA developmental stage terminology has been clarified to avoid confusion with what is meant by complete metamorphosis.

4. Clarified the conduct of liver and kidney histopathology in the MEOGRT and LAGDA test guidelines for overt toxicity. An effort was made to clarify and provide more explicit guidance as to what specific histopathology is appropriate based on the results of the study.

5. The rationale for use of solvent control only, dilution water control only, or pooled controls in the statistical analyses for the MEOGRT and LAGDA was clarified.

6. The guidelines have been modified to address commenters' concerns that they be more flexible and less prescriptive. Examples have been provided as appropriate to add clarity.

The JQTT draft test guideline (OCSPP 890.2100) was revised to address comments provided by the public, the draft OECD test guideline for the avian two-generation toxicity test in the Japanese quail (Ref. 4), as well as the existing EPA and OECD test guidelines for avian one-generation toxicity tests (Refs. 5 and 6). EPA revised the terminology, procedures, endpoints measured, figures, tables, and appendices in the JQTT test guideline to clarify specific points raised by public commenters as follows:

1. The revised test guidelines include fewer endpoints. For example, the revisions eliminated behavioral endpoints to reduce the overall numbers of birds required for the study; eliminated endpoints that are difficult to obtain (*i.e.,* hormone levels measured in embryo blood samples); eliminated redundant endpoints; and statistical analyses.

2. For clarity, the test termination point is following measurement of the 14–day survival of filial 2 (F2) generation chicks. This is the minimum length of the study necessary to evaluate and measure a chemical's effect on the F1 generation's reproductive performance. If delayed reproduction is observed in F1 birds, a decision to extend the F2 generation may be made. If extended, the test should be terminated when F2 birds are approximately 6 weeks old when 90% of control animals have reached sexual maturity. The decision to limit the length of the JQTT is consistent with EPA's efforts to move to extended one-generation reproduction test protocols for Tier 2 tests rather than multigenerational studies (Ref. 7). Extended one-generation reproduction tests are technically sound, save animals, and reduce costs.

3. The guidelines have been modified to address commenters' concerns that they be more flexible and less prescriptive. Examples have been provided as appropriate to add clarity.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the persons listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA Draft Test Guidelines; Endocrine Disruptor Screening Program Test Guidelines (Series 890); Three Tier 2 Non-Mammalian Tests; Notice of Availability and Public Comment, **Federal Register** (80 FR 5107, January 30, 2015). It is available at *http://www.gpo.gov/fdsys/pkg/FR-2015-01-30/pdf/2015-01836.pdf.*

2. OECD, Test No. 240: Medaka Extended One-Generation Reproduction Test, OECD Guidelines for the Testing of Chemicals, section 2 (2015). It is available at *http://www.oecd-ilibrary.org/environment/oecd-guidelines-for-the-testing-of-chemicals-section-2-effects-on-biotic-systems_20745761.*

3. OECD, Test No. 241: Larval Amphibian Growth and Development Test, OECD Guidelines for the Testing of Chemicals, section 2 (2015). It is available at *http://www.oecd-ilibrary.org/environment/oecd-guidelines-for-the-testing-of-chemicals-section-2-effects-on-biotic-systems_20745761.*

4. OECD Guidelines for Testing of Chemicals. Proposal for a new test guideline: Avian Two-generation Toxicity Test in the Japanese Quail, Draft November 2005. It is available at *http://www.epa.gov/endo/pubs/edmvac/2gen_guide_gd_draft1.pdf.*

5. U.S. EPA Ecological Effects Test Guidelines; OCSPP 850.2300, Avian Reproduction Test. January 2012. EPA 712C–023. It is available at *http://www.epa.gov/ocspp/pubs/frs/publications/Test_Guidelines/series850.htm.*

6. OECD, Test No. 206: Avian Reproduction Test. OECD Guidelines for the Testing of Chemicals, section 2—Effect on Biotic Systems (adopted 1984). OECD Publishing, Paris (1993) DOI: It is available at *http://dx.doi.org/10.1787/9789264070028-en.*

7. OECD, Test No. 443: Extended One-Generation Reproductive Toxicity Study, OECD Guidelines for the Testing of Chemicals, section 4, 28 July 2011, DOI. It is available at *http://dx.doi.org/10.1787/9789264122550-en.*

Authority: 7 U.S.C. 136 *et seq.;* 15 U.S.C. 2601 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: August 18, 2015.

Louise P. Wise,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2015–21040 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0021; FRL–9932–68]

Pesticide Product Registrations; Receipt of Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before September 24, 2015.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Director, Biopesticides and Pollution Prevention Division (BPPD) (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by EPA on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation Web site for additional information on this process *http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions.* EPA received the following applications to register pesticide products containing active ingredients not included in any currently registered pesticide products:

1. *File Symbol:* 87472–R. *Docket ID number:* EPA–HQ–OPP–2015–0547. *Applicant:* Technology Sciences Group, Inc., 712 Fifth St., Ste. A, Davis, CA 95616 (on behalf of Biogents AG, Weissenburgstrasse 22, D–93055 Regensburg, Germany). *Product name:* BG-Sweetscent. *Active ingredient:* Insecticide—Hexanoic acid at 0.900%. *Proposed use:* Mosquito lure. *Contact:* BPPD.

2. *File Symbol:* 87978–G. *Docket ID number:* EPA–HQ–OPP–2015–0494. *Applicant:* MacIntosh and Associates, Inc., 1203 Hartford Ave., St. Paul, MN 55116–1622 (on behalf of AgBiTech Pty Ltd, 8 Rocla Ct., Glenvale, Queensland 4350, Australia). *Product name: Spodoptera frugiperda* Multiple

Nucleopolyhedrovirus—3AP2. *Active ingredient:* Insecticide—Polyhedral occlusion bodies of *Spodoptera frugiperda* Multiple Nucleopolyhedrovirus (MNPV)—3AP2 at 74.5%. *Proposed use:* Manufacturing/formulating use. *Contact:* BPPD.

3. *File Symbol:* 87978–U. *Docket ID number:* EPA–HQ–OPP–2015–0494. *Applicant:* MacIntosh and Associates, Inc., 1203 Hartford Ave., St. Paul, MN 55116–1622 (on behalf of AgBiTech Pty Ltd, 8 Rocla Ct., Glenvale, Queensland 4350, Australia). *Product name:* Fawligen. *Active ingredient:* Insecticide—Polyhedral occlusion bodies of *Spodoptera frugiperda* Multiple Nucleopolyhedrovirus (MNPV)—3AP2 at 32%. *Proposed use:* Control of listed moth larvae on food and nonfood crops. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 18, 2015.

John E. Leahy, Jr.,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2015–21037 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0508; FRL–9932–32]

Notice of a Public Meeting and Opportunity for Public Comment on Considerations for Risk Assessment of Genetically Engineered Algae

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will be hosting a public meeting entitled, ''Workshop for Public Input on Considerations for Risk Assessment of Genetically Engineered Algae'' on September 30, 2015. The objective of this workshop is to receive public input and comments on EPA's data needs to support risk assessments of biotechnology products subject to oversight under the Toxic Substances Control Act that make use of genetically engineered algae and cyanobacteria. The workshop will inform an update to an EPA guidance document entitled ''Points to Consider in The Preparation of TSCA Biotechnology Submissions for Microorganisms''. EPA encourages all members of the public interested in participating in this workshop to register to attend, whether in-person or through the Web-connect and teleconference that will also be available.

DATES: *Meeting.* The workshop will be held on Wednesday, September 30, 2015, from 8 a.m. to noon, EDT.

Meeting registration. Advance registration must be completed no later than 11:59 p.m., EDT, on Friday, September 25, 2015. On-site registration will be permitted, but seating and speaking priority will be given to those who register by this deadline.

To request accommodation of a disability, please contact the workshop logistics person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Comments. EPA will hear oral comments on Wednesday, September 30, 2015, and accept comments and materials submitted in the docket by October 31, 2015.

ADDRESSES: *Meeting.* The workshop will be held at the Omni Shoreham Hotel, 2500 Calvert St. NW., Washington, DC 20008. The workshop will also be available via Web connect and teleconferencing for all registered participants, for further information see Unit III.A. under **SUPPLEMENTARY INFORMATION.**

Meeting registration. You may register online, by U.S. Postal Service, by overnight/priority mail, or in person at the meeting. To register online go to *https://projects.erg.com/conferences/oppt/workshophome.htm* and complete the online registration form. To register by U.S. Postal Service or overnight/priority mail, mail your registration to: Erin Pittorino, ERG, 110 Hartwell Ave., Lexington, MA 02421.

Comments. Submit comments and materials, identified by docket ID number EPA–HQ–OPPT–2015–0508, 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 in general is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Carolina Peñalva-Arana, Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–4816; email address: *penalva-arana.carolina@epa.gov.*

For workshop logistics or registration contact: Erin Pittorino, ERG, 110 Hartwell Ave., Lexington, MA 02421; telephone number: (781) 674–7260; email address: *erin.pittorino@erg.com.*

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, and may be of interest to a wide range of stakeholders including those interested in environmental and human health assessment, the industrial and commercial biotechnology industry—including those employing modern versions sometimes referred to as synthetic biology, the algae production industry, chemical producers and users, consumer product companies, and members of the public interested in the assessment of biotechnology risks. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket ID number EPA–HQ–OPPT–2015–0508, is available at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.* Documents and workshop information will also be available at the registration Web site.

C. What should I consider as I prepare my comments for EPA?

When preparing comments for EPA, whether oral or in writing, see the tips at *https://projects.erg.com/conferences/oppt/workshophome.htm* and at *http://www.epa.gov/dockets/comments.html.*

II. Background

The objective of this workshop is to discuss EPA's data needs to support risk assessments of biotechnology products subject to oversight under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* that make use of genetically engineered algae and cyanobacteria. The workshop will inform an update to the EPA guidance document entitled ''Points to Consider in The Preparation of TSCA Biotechnology Submissions for Microorganisms''.

Members of the public are invited to review the presentations and supporting documentation, including the EPA guidance document, and to provide comments on the workshop subject matter by the end of the comment period specified. This information is distributed solely for informational purposes and should not be construed to represent any Agency determination or policy. The meeting will be open to the public and experts in biotechnology, algae production, and risk assessment are encouraged to attend and present their views.

III. Meeting

A. Web Connect and Teleconferencing Access

The workshop will be available via Web connect and teleconferencing for registered participants. All registered participants will receive information on how to connect to the workshop prior to its start.

B. Public Participation at the Meeting

Members of the public may register to attend the workshop as observers and may also register to speak offering oral comments on the day of the workshop. A registered speaker is encouraged to focus on issues directly relevant to science-based aspects of the workshop and to address specific scientific points in the speaker's oral comments. Each speaker is allowed between 2–3 minutes. To accommodate as many registered speakers as possible, speakers may present oral comments only, without visual aids or written material. Given time constraints, the number of speakers allowed during the comment periods will be decided upon by the workshop chair. Speakers will be selected in a manner designed to optimize representation from all organizations, affiliations, and present a balance of science issues relevant to the workshop.

IV. How can I request to participate in this meeting?

A. Registration

To attend the workshop in person or to receive access through Web connect and teleconference, you must register no later than 11:59 p.m., on Friday, September 25, 2015, using one of the methods described under **ADDRESSES**. While on-site registration will be available, seating will be on a first-come, first-serve basis, with priority given to early registrants and until room capacity is reached. The Agency anticipates that approximately 150 people will be able to attend the workshop in person, with seating available on a first-come, first-serve basis. For registrants not able to attend in person, the workshop will also provide Web connect and teleconference capabilities.

Time permitting, on-site registrants may offer comments following those who registered earlier. For workshop logistics or registration questions contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. Required Registration Information

Members of the public may register to attend or speak if planning to offer oral comments during the scheduled public comment periods. To register for the meeting online or by mail, you must provide your full name, organization or affiliation, and contact information. If you indicate that you wish to speak, you will be asked to select one of these categories that most closely reflect the content of your oral comments: Environmental Protection, Algae/Cyanobacteria Production, Biotechnology, Biological/Genetic Engineering, Risk Assessment, Microorganisms, Ecotoxicity, Industrial Chemicals, Guidance or Other.

Authority: 15 U.S.C. 2601 *et seq.*

Date: August 18, 2015.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–21039 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2012–0103; FRL–9933–05–OAR]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Diesel Emissions Reduction Act (DERA) Rebate Program; EPA ICR No. 2461.02, OMB Control No. 2060–0686 RENEWAL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Diesel Emissions Reduction Act (DERA) Rebate Program'' (EPA ICR No. 2461.02, OMB Control No. 2060–0686 RENEWAL) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 31, 2015. 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.

DATES: Comments must be submitted on or before October 26, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2012–0103, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Tyler Cooley, Office of Transportation and Air Quality, (Mail Code: 6406A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 415–972–3937; fax number: 202–343–2803; email address: *cooley.tyler@epa.gov.*

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This is an extension of the current Information Collection Request (ICR) for the Diesel Emissions Reduction Act program (DERA) authorized by Title VII, Subtitle G (Sections 791 to 797) of the Energy Policy Act of 2005 (Pub. L. 109–58), as amended by the Diesel Emissions Reduction Act of 2010 (Pub. L. 111–364), codified at 42 U.S.C. 16131 *et seq.* DERA provides the Environmental Protection Agency (EPA) with the authority to award grants, rebates or low-cost revolving loans on a competitive basis to eligible entities to fund the costs of projects that significantly reduce diesel emissions from mobile sources through implementation of a certified engine configuration, verified technology, or emerging technology. Eligible mobile sources include buses (including school buses), medium heavy-duty or heavy heavy-duty diesel trucks, marine engines, locomotives, or nonroad engines or diesel vehicles or equipment used in construction, handling of cargo (including at ports or airports), agriculture, mining, or energy production. In addition, eligible entities may also use funds awarded for programs or projects to reduce long-duration idling using verified technology involving a vehicle or equipment described above. The objective of the assistance under this program is to achieve significant reductions in diesel emissions in terms of tons of pollution produced and reductions in diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

EPA uses approved procedures and forms to collect necessary information to operate its grant and rebate programs. EPA has been providing rebates under DERA since Fiscal Year 2012. EPA is requesting an extension of the current ICR, which is currently approved through October 31, 2015, for forms needed to collect necessary information to operate a rebate program as authorized by Congress under the DERA program.

EPA collects information from applicants to the DERA rebate program. Information collected is used to ensure eligibility of applicants and engines to receive funds under DERA, and to calculate estimated and actual emissions benefits that result from activities funded with rebates as required in DERA's authorizing legislation.

Form Numbers: 2060–0686

Respondents/affected entities: Entities potentially affected by this action are those interested in applying for a rebate under EPA's Diesel Emission Reduction Act (DERA) Rebate Program and include but are not limited to the following NAICS (North American Industry Classification System) codes: 23 Construction; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 485 Transit and Ground Passenger Transportation; 48831 Port and Harbor Operations; 61111 Elementary and Secondary Schools; 61131 Colleges, Universities, and Professional Schools; 9211 Executive, Legislative, and Other Government Support; and 9221 Justice, Public Order, and Safety Activities.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 500–1,000 (total).

Frequency of response: Voluntary as needed.

Total estimated burden: 2,827 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $128,390 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in Estimates: There is an increase of 1,933 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to a higher level of interest in the rebate program than originally anticipated. This revised cost estimate is based on the average number of applications submitted to previous rebate funding opportunities. For example, EPA received over 1,000 applications for the 2012 School Bus Pilot Rebate Program. In response, EPA lowered the rebate amounts offered for subsequent funding opportunities however interest remains particularly high for school bus rebates.

Dated: August 4, 2015.

Karl Simon,

Director, Transportation and Climate Division, Office of Air and Radiation.

[FR Doc. 2015–21022 Filed 8–24–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, August 18, 2015, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Paul M. Nash (Acting in the place and stead of Director Thomas J. Curry (Comptroller of the Currency)), concurred in by Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5

U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: August 18, 2015.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2015–21076 Filed 8–21–15; 11:15 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 18, 2015.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Golden State Bancorp,* Upland California; to become a bank holding company by acquiring 100 percent of the voting shares of Golden State Bank, Upland, California.

Board of Governors of the Federal Reserve System, August 20, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–20974 Filed 8–24–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0035; Docket 2015–0055; Sequence 7]

Submission for OMB Review; Claims and Appeals

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning claims and appeals. A notice was published in the **Federal Register** at 80 FR 22735 on April 23, 2015. No comments were received.

DATES: Submit comments on or before September 24, 2015.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0035, Claims and Appeals''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0035, Claims and Appeals'' on your attached document.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0035, Claims and Appeals.

Instructions: Please submit comments only and cite Information Collection 9000–0035, Claims and Appeals, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gray, Procurement Analyst, Federal Acquisition Policy Division, GSA, 703–795–6328 or via email at *charles.gray@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

It is the Government's policy to try to resolve all contractual issues by mutual agreement at the contracting officer's level without litigation. Reasonable efforts should be made to resolve controversies prior to submission of a contractor's claim. The Contract Disputes Act of 1978 (41 U.S.C. 7103) requires that claims exceeding $100,000 must be accompanied by a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. The information, as required by FAR clause 52.233–1, Disputes, is used by a contracting officer to decide or resolve the claim. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials.

B. Annual Reporting Burden

Respondents: 4,500.
Responses per Respondent: 3.
Annual Responses: 13,500.
Hours per Response: 1.
Total Burden Hours: 13,500.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0035, Claims and Appeals, in all correspondence.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–21034 Filed 8–24–15; 8:45 am]

BILLING CODE 6810–01–EP

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the next meeting of the Community Preventive Services Task Force (Task Force). The Task Force is an independent, nonpartisan, nonfederal, and unpaid panel. Its members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force considers the findings of systematic reviews on existing research, and issues recommendations. Task Force recommendations are not mandates for compliance or spending. Instead, they provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the scientific evidence on which they are based, are compiled in the *Guide to Community Preventive Services (Community Guide).*

DATES: The meeting will be held on Wednesday, October 28, 2015 from 8:30 a.m. to 6:00 p.m. EDT and Thursday, October 29, 2015 from 8:30 a.m. to 1:00 p.m. EDT.

ADDRESSES: The Task Force Meeting will be held at CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), 1600 Clifton Road NE., Atlanta, GA 30329. You should be aware that the meeting location is in a Federal government building; therefore, Federal security measures are applicable. For additional information, please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION.** Information regarding meeting logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*).

Meeting Accessibility: This meeting is open to the public, and participation in person is limited only by space availability. All meeting attendees, including those choosing to participate via webcast, must RSVP by the due dates below. This ensures that the required security procedures for members of the public that wish to attend in person are completed in order to gain access to the CDC's Global Communications Center.

U.S. citizens must RSVP by 10/19/2015.

Non U.S. citizens must RSVP by 10/05/2015 due to additional security steps that must be completed. Failure to RSVP by the dates identified could result in the inability to attend the Task Force meeting due to the strict security regulations on federal facilities.

A Webcast URL will be provided to everyone who registers to participate in the meeting and will be sent to you upon receipt of your RSVP. All meeting attendees must RSVP to *CPSTF@cdc.gov.*

For Further Information and To RSVP Contact: Onslow Smith, The Community Guide Branch; Division of Public Health Information Dissemination; Center for Surveillance, Epidemiology and Laboratory Services; Office of Public Health Scientific Services; Centers for Disease Control and Prevention, 1600 Clifton Road, MS–E–69, Atlanta, GA 30329, phone: (404) 498–6778, email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The purpose of the meeting is for the Task Force to consider the findings of systematic reviews and issue findings and recommendations. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents.

Matters To Be Discussed (Subject to Change): Cancer prevention and control, cardiovascular disease and control, promoting health equity, improving oral health, and promoting physical activity.

Roybal Campus Security Guidelines: The Edward R. Roybal Campus is the headquarters of the U.S. Centers for Disease Control and Prevention and is located at 1600 Clifton Road NE., Atlanta, Georgia. The meeting is being held in a Federal government building; therefore, Federal security measures are applicable.

All meeting attendees must RSVP by the dates outlined under Meeting Accessibility. In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Edward R. Roybal Campus through the front entrance on Clifton Road. Your car may be searched, and the guard force will then direct visitors to the designated parking area. Upon arrival at the facility, visitors must present government issued photo identification (*e.g.,* a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. All persons entering the building must pass through a metal detector. Visitors will be issued a visitor's ID badge at the entrance to Building 19 and may be escorted to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: August 12, 2015.

Pamela J. Cox,

Director, Division of the Executive Secretariat, Office of the Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2015–21029 Filed 8–24–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

Time and Date: 10:30 a.m.–5:00 p.m., EDT, September 24, 2015.

Place: Audio Conference Call via FTS Conferencing.

Status: Open to the public. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number at 1–866–659–0537 and the pass code is 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2017.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. The Subcommittee for Dose Reconstruction Reviews was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters for Discussion: The agenda for the Subcommittee meeting includes the following dose reconstruction program quality management and assurance activities: Current findings from NIOSH and Advisory Board dose reconstruction blind reviews; dose reconstruction cases under review from Sets 14–18, including the Oak Ridge sites (Y–12, K–25, Oak Ridge National Laboratory), and Savannah River Site; preparation of the Advisory Board's next report to the Secretary, HHS, summarizing the results of completed dose reconstruction reviews.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, Georgia 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–21002 Filed 8–24–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and pursuant to the requirements of 42 CFR 83.15(a), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 11:00 a.m.–2:00 p.m., EDT, September 22, 2015.

Place: Audio Conference Call via FTS Conferencing.

Status: Open to the public. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number, 1–866–659–0537 and the passcode is 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, which have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2017.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters for Discussion: The agenda for the conference call includes: Work Group and Subcommittee Reports; SEC Petitions Update for the November 2015 Advisory Board Meeting; Plans for the November 2015 Advisory Board Meeting; and Advisory Board Correspondence.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Theodore M. Katz, M.P.A., Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., Mailstop: E–20, Atlanta, Georgia 30333, Telephone (513) 533–6800, Toll Free 1–800–CDC–INFO, Email *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–21001 Filed 8–24–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Time and Date: 8:30 a.m.–3:00 p.m., EDT, September 22, 2015.

Place: Patriots Plaza I, 395 E Street SW., Room 9000, Washington, DC 20201.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 33 people. The meeting is also open to the public via webcast. If you wish to attend in person or by webcast, please see the NIOSH Web site to register (*http://www.cdc.gov/niosh/bsc/*) or call (404–498–2539) at least five business days in advance of the meeting. Teleconference is available toll-free; please dial (888) 397–9578, Participant Pass Code 63257516. Members of the public who wish to address the BSC, NIOSH are requested to contact the Executive Secretary for scheduling purposes (see contact information below). Alternatively, written comments to the BSC may be submitted via an on-line form at the following Web site: *http://www.cdc.gov/niosh/bsc/contact.html.*

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters for Discussion: NIOSH Director's update, Structuring Labor-Management Participation in Research, Systematic Review (Grading Evidence and Recommendations), Occupational Exposure Banding, and an Update from the NIOSH Research Translation Office.

Agenda items are subject to change as priorities dictate. An agenda is also posted on the NIOSH Web site (*http://www.cdc.gov/niosh/bsc/*).

Contact Person for More Information: John Decker, Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road NE., MS–E20, Atlanta, GA 30329–4018, telephone (404) 498–2500, fax (404) 498–2526.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the CDC and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–20999 Filed 8–24–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Advisory Board on Radiation and Worker Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Board on Radiation and Worker Health, Department of Health and Human Services, has been renewed for a 2-year period through August 3, 2017.

For information, contact Mr. Theodore Katz, Designated Federal Officer, Advisory Board on Radiation and Worker Health, Department of Health and Human Services, 1600 Clifton Road, M/S E20, Atlanta, Georgia 30341, telephone 404/498–2533, or fax 404/498–2570.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–21000 Filed 8–24–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–2048]

Medical Device Epidemiology Network Registry Task Force Report; Availability, Web Site Location and Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the report and Web site location where the Agency has posted the report entitled ''Recommendations for a National Medical Device Evaluation System: Strategically Coordinated Registry Networks to Bridge the Clinical Care and Research,'' developed by the Medical Device Epidemiology Network's Medical Device Registry Task Force. In addition, FDA has established a docket where stakeholders may provide comments.

DATES: Submit either electronic or written comments by October 26, 2015.

ADDRESSES: 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: Danica Marinac-Dabic, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4110, Silver Spring, MD 20993–0002, 301–796–6689, email: *Danica.marinac-dabic@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's Center for Devices and Radiological Health is responsible for protecting the public health by assuring the safety and effectiveness of medical devices and radiation-emitting products. A key part of this mission is to monitor medical devices and radiological products for continued safety and effectiveness after they are in use and to help the public get the accurate, science-based information they need to improve their health.

In September 2012, the FDA published a report, ''Strengthening Our National System for Medical Device Postmarket Surveillance,'' that proposed

a strategy for improving the current system for monitoring medical device safety and effectiveness. In April 2013, the FDA issued an update to the September 2012 report that incorporated public input received and described the next steps towards fulfilling the vision for building a national postmarket surveillance system. These reports can be found at FDA's Web site *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHReports/ucm301912.htm*.

One of these next steps consisted of establishing a multistakeholder Medical Device Registry Task Force to promote the development of national and international device registries for selected products (Ref. 1). Under a cooperative agreement with the FDA, Duke University convened the Medical Device Registry Task Force as a part of the Medical Device Epidemiology Network public-private partnership in 2014. The Task Force membership included representatives from a broad array of stakeholder groups and areas of expertise including patients, provider organizations, hospitals, health plans, industry, government agencies, as well as methodologists and academic researchers.

The Medical Device Registry Task Force was charged to: (1) Identify existing registries that may contribute to the system; (2) leverage ongoing registry efforts focused on quality improvement, reimbursement, patient-centered outcomes and other activities to best meet the needs of multiple stakeholders; (3) identify priority medical device types for which the establishment of a longitudinal registry is of significant public health importance; (4) define registry governance and data quality practices that promote rigorous design, conduct, analysis, and transparency to meet stakeholder needs; and (5) develop strategies for the use of registries to support premarket approval and clearance (Ref. 1).

This notice announces the availability and Web site location of the Medical Device Registry Task Force's report, entitled ''Recommendations for a National Medical Device Evaluation System: Strategically Coordinated Registry Networks to Bridge the Clinical Care and Research.'' FDA invites interested persons to submit comments on this report. We have established a docket where comments may be submitted (see **ADDRESSES**). We believe this docket is an important tool for receiving feedback on this report from interested parties and for sharing this information with the public. To access ''Recommendations for a National Medical Device Evaluation System: Strategically Coordinated Registry Networks to Bridge the Clinical Care and Research'' report, visit FDA's Web site *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHReports/ucm301912.htm*.

II. Request for 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*.

III. Reference

The following reference has 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. We have verified the Web site address, but we are not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**.

1. ''Strengthening Our National System for Medical Device Postmarket Surveillance: Update and Next Steps,'' April 2013, available at *http://www.fda.gov/downloads/MedicalDevices/Safety/CDRHPostmarketSurveillance/UCM348845.pdf*.

Dated: August 19, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–20948 Filed 8–24–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the

Federal Register.'' Set forth below is a list of petitions received by HRSA on July 1, 2015, through July 31, 2015. This list provides the name of petitioner, city, and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (*Petitioner's Name* v. *Secretary of Health and Human Services*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: August 19, 2015.

James Macrae,

Acting Administrator.

List of Petitions Filed

1. Penny Walden, Urbana, Illinois, Court of Federal Claims No: 15–0685V
2. Wendy Norris, Irvine, California, Court of Federal Claims No: 15–0686V
3. Whitney Hill on behalf of C. T., Deceased, Piermont, New York, Court of Federal Claims No: 15–0687V
4. Anton Schumacher, Norristown, Pennsylvania, Court of Federal Claims No: 15–0692V
5. Lisa Davis, Annapolis, Maryland, Court of Federal Claims No: 15–0693V
6. Michael Rishwain, Stockton, California, Court of Federal Claims No: 15–0695V
7. Arlyne Rothenberg, New York, New York, Court of Federal Claims No: 15–0696V
8. Eve Dineen and Daniel Dineen on behalf of Ennio Dell Dineen, Napa, California, Court of Federal Claims No: 15–0700V
9. Adele Hamilton, Manchester Township, New Jersey, Court of Federal Claims No: 15–0701V
10. Judith Schultz, Glen Falls, New York, Court of Federal Claims No: 15–0702V
11. Jenine Gail Fugate, Huntington, West Virginia, Court of Federal Claims No: 15–0703V
12. Thomas Shinskey, Glen Rock, New Jersey, Court of Federal Claims No: 15–0713V
13. Sasha Martin on behalf of A. N. M., Deceased, Toledo, Ohio, Court of Federal Claims No: 15–0715V
14. Katie Davis on behalf of J.L.D., Baxley, Georgia, Court of Federal Claims No: 15–0716V
15. Steven Pancoast, Hampton, Virginia, Court of Federal Claims No: 15–0718V
16. Leonora Bantugan on behalf of Manuel Bolotaolo, Deceased, Simi Valley, California, Court of Federal Claims No: 15–0721V
17. John M. Dallas, Mason City, Iowa, Court of Federal Claims No: 15–0722V
18. Thomas Reece, Crossville, Tennessee, Court of Federal Claims No: 15–0724V
19. Jasmatie Hardeen and Ryon Hardeen on behalf of R. H., Vienna, Virginia, Court of Federal Claims No: 15–0726V
20. John Deselm, Highland, Texas, Court of Federal Claims No: 15–0727V
21. Constance Wadkins, Clackamas, Oregon, Court of Federal Claims No: 15–0728V
22. Darlene Steele, Uniontown, Pennsylvania, Court of Federal Claims No: 15–0729V
23. Stefenie Hilario, San Antonio, Texas, Court of Federal Claims No: 15–0730V
24. Michelle Fisher and Ricky Fisher on behalf of C. F., Omaha, Nebraska, Court of Federal Claims No: 15–0731V
25. Dana Cohen, Glen Rock, New Jersey, Court of Federal Claims No: 15–0733V
26. Amy N. Heddens, Seattle, Washington, Court of Federal Claims No: 15–0734V
27. Yvette Hill, Philadelphia, Pennsylvania, Court of Federal Claims No: 15–0735V
28. Gladys Guzman, New York, New York, Court of Federal Claims No: 15–0736V
29. Lauren Briggs on behalf of E. B., Commack, New York, Court of Federal Claims No: 15–0737V
30. Michael Mulligan, Jacksonville, Florida, Court of Federal Claims No: 15–0738V
31. Ninebeth Gal, Woodland Hills, California, Court of Federal Claims No: 15–0739V
32. Amy Loeding, Billings, Montana, Court of Federal Claims No: 15–0740V
33. Candice Cheung on behalf of A.N., Beverly Hills, California, Court of Federal Claims No: 15–0741V
34. Kellie M. DiPietro, Washington, District of Columbia, Court of Federal Claims No: 15–0742V
35. Cindy M. Del Tufo, Franklin Lakes, New Jersey, Court of Federal Claims No: 15–0745V
36. Amanda Green, Largo, Florida, Court of Federal Claims No: 15–0748V
37. Gary Bondi, Dallas, Texas, Court of Federal Claims No: 15–0749V
38. Paul Balek, Chicago, Illinois, Court of Federal Claims No: 15–0750V
39. Allison Holland, Cincinnati, Ohio, Court of Federal Claims No: 15–0751V
40. Peter C. Harrington, Pensacola, Florida, Court of Federal Claims No: 15–0752V
41. Jennifer Arnett, Dayton, Ohio, Court of Federal Claims No: 15–0753V
42. Ashley Encinias, Albuquerque, New Mexico, Court of Federal Claims No: 15–0755V
43. Dean Waasted, Orange, California, Court of Federal Claims No: 15–0757V
44. Sandra G. Price, Wichita, Kansas, Court of Federal Claims No: 15–0759V
45. Richard D. Epperson, Lee's Summit, Missouri, Court of Federal Claims No: 15–0760V

46. Brenda K. Barbee, Raleigh, North Carolina, Court of Federal Claims No: 15–0761V
47. Tina Lazicki, Philadelphia, Pennsylvania, Court of Federal Claims No: 15–0762V
48. Mary Jo Maleport, Kentwood, Michigan, Court of Federal Claims No: 15–0763V
49. Dawn Kelly, Midway, Georgia, Court of Federal Claims No: 15–0765V
50. John M. Robinson, Napa, California, Court of Federal Claims No: 15–0766V
51. Shawn Shorkey, Dallas, Texas, Court of Federal Claims No: 15–0768V
52. Michael Purcell, Rochester, New York, Court of Federal Claims No: 15–0770V
53. Carrie Payne, Beaver, Pennsylvania, Court of Federal Claims No: 15–0771V
54. Hannah Marie Robinson, Moore, Oklahoma, Court of Federal Claims No: 15–0772V
55. Brynn Contino on behalf of G. C., New Market, Maryland, Court of Federal Claims No: 15–0773V
56. Melissa Jones, Lexington, Kentucky, Court of Federal Claims No: 15–0774V
57. Jane K. Baker, Lewisburg, Pennsylvania, Court of Federal Claims No: 15–0775V
58. Heather Caron on behalf of A. C., Waterville, Maine, Court of Federal Claims No: 15–0777V
59. Thomas Dyroff, Devon, Pennsylvania, Court of Federal Claims No: 15–0780V
60. Kelly Dillon, Leesburg, Virginia, Court of Federal Claims No: 15–0781V
61. Brenda Benjamin, Dublin, California, Court of Federal Claims No: 15–0782V
62. Teresa Cook, Rochester, New York, Court of Federal Claims No: 15–0783V
63. Cheri Fox, Bonney Lake, Washington, Court of Federal Claims No: 15–0784V
64. Christina Nolen on behalf of Nicholas Nolan, Louisa, Virginia, Court of Federal Claims No: 15–0787V
65. Lindey Martin and Raynard Martin on behalf of I.R.M., Deceased, Powell, Ohio, Court of Federal Claims No: 15–0789V
66. Heathe Heller and Jenna Heller on behalf of H. H., Decatur, Texas, Court of Federal Claims No: 15–0792V
67. Sherry Harrison, Mount Pleasant, Pennsylvania, Court of Federal Claims No: 15–0795V
68. Amy Uscher on behalf of M. U., Phoenix, Arizona, Court of Federal Claims No: 15–0798V
69. Christina Brethauer, Monroeville, Pennsylvania, Court of Federal Claims No: 15–0800V
70. Jennifer Cirillo, Tucson, Arizona, Court of Federal Claims No: 15–0801V
71. Asharam Tamang, Albany, California, Court of Federal Claims No: 15–0802V
72. Samuel Webb, Phoenix, Arizona, Court of Federal Claims No: 15–0803V
73. Jeff Curran, Denver, Colorado, Court of Federal Claims No: 15–0804V
74. Melissa Lee Madsen, Hopewell, New Jersey, Court of Federal Claims No: 15–0807V
75. Karl Zimmerman, Sandwich, Illinois, Court of Federal Claims No: 15–0809V
76. George Hendrickson on behalf of E. H., Sioux Falls, South Dakota, Court of Federal Claims No: 15–0812V
77. Jean Mann, New York, New York, Court of Federal Claims No: 15–0813V
78. Christi Canada on behalf of L. C., Beverly Hills, California, Court of Federal Claims No: 15–0814V
79. James Wright, Beverly Hills, California, Court of Federal Claims No: 15–0815V
80. Jennifer Toole, San Antonio, Texas, Court of Federal Claims No: 15–0816V
81. Shanna Molina, Providence, Rhode Island, Court of Federal Claims No: 15–0817V
82. Kevin Sanford, Wyomissing, Pennsylvania, Court of Federal Claims No: 15–0818V
83. Dorothy Linginfelter, Knoxville, Tennessee, Court of Federal Claims No: 15–0819V

[FR Doc. 2015–20944 Filed 8–24–15; 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 24, 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. 2015–21009 Filed 8–24–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, 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 Vaccine Advisory Committee (NVAC) will hold a meeting September 9–10, 2015. The meeting is open to the public. However, pre-registration is required for both public attendance and public comment. Individuals who wish to attend the meeting and/or participate in the public comment session should register at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.* Participants may also register by emailing *nvpo@hhs.gov* or by calling 202–690–5566 and providing their name, organization, and email address.

DATES: The meeting will be held on September 9–10, 2015. The meeting times and agenda will be posted on the NVAC Web site at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/* as soon as they become available.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, the Great Hall, 200 Independence Avenue SW., Washington, DC 20201.

The meeting can also be accessed through a live webcast the day of the meeting. For more information, visit *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.*

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Phone: (202) 690–5566; email: *nvpo@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The NVAC was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the Program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

During the September NVAC meeting, the Committee will hear updates on a number of Departmental and stakeholder activities that are working to strengthen our national immunization system. The Committee will hear an update on progress towards the Healthy People 2020 immunization goals, followed by presentations specifically examining progress towards the Healthy People 2020 goal to achieve 90% influenza vaccination coverage among healthcare personnel. In particular, the Committee will look at challenges and opportunities for helping improve influenza vaccination among healthcare personnel in long-term care settings.

The Committee also will hear about efforts to support global immunization including an introduction to a number of global immunization strategies currently under development such as an update to the CDC's Global Immunization Strategic Framework, the newly established USAID Immunization Blueprint for Action, and the Pan American Health Organization's proposed Regional Plan of Action on Immunization. In addition, the NVAC will hear a brief overview describing the success of efforts to develop the first Ebola vaccine.

The Committee will be presented with information on how data on state exemption laws is collected and used to inform studies on vaccination coverage and vaccine acceptance in specific populations. NVAC will also host a session continuing their discussions on vaccine confidence that will include

studies looking at how attitudes and beliefs about immunizations change over time. Finally, the Committee will be provided with information on local and federal efforts to help increase vaccine confidence in communities. More information on the meeting agenda will be posted prior to the meeting on the NVAC Web site: *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.*

Public attendance at the meeting is limited to the available space. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the National Vaccine Program Office at the address/phone listed above at least one week prior to the meeting. For those unable to attend in person, a live webcast will be available. More information on registration and accessing the webcast can be found at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.*

Members of the public will have the opportunity to provide comments at the NVAC meeting during the public comment periods designated on the agenda. Public comments made during the meeting will be limited to three minutes per person to ensure time is allotted for all those wishing to speak. Individuals are also welcome to submit their written comments. Written comments should not exceed three pages in length. Individuals submitting written comments should email their comments to the National Vaccine Program Office (*nvpo@hhs.gov*) at least five business days prior to the meeting.

Dated: August 17, 2015.

Jennifer L. Gordon,

Alternate Designated Federal Official, National Vaccine Advisory Committee, National Vaccine Program Office.

[FR Doc. 2015–20943 Filed 8–24–15; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Small Grants for New Investigators.

Date: September 8, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–14–301: NIDDK Central Repositories Non-renewable Sample Access (X01)-Biomarkers for T1D.

Date: September 21, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–15–067: NIDDK Multi-Center Clinical Study (U01).

Date: October 6, 2015.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nutrition Obesity Research Centers.

Date: November 18, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov*.

National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–13–074: Small R03 Grants for New Investigators.

Date: November 19, 2015.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 20, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21007 Filed 8–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Surveys To Support an Evaluation of the National Human Genome Research Institute (NHGRI) Summer Workshop in Genomics (Short Course)

SUMMARY: Under the provisions of Section 3507(a)(l)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 17, 2015, Vol. 80, Page 13845 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Human Genome Research Institute (NHGRI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1,

1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Carla L. Easter, Ph.D., Chief, Education and Community Involvement Branch, NHGRI, Building 31, Room B1B55, 31 Center Drive, MSC 2070, Bethesda, MD 20892 or call non-toll-free number (301) 594–1364 or Email your request, including your address to: *easterc@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Surveys to Support the National Human Genome Research Institute (NHGRI) Summer Workshop in Genomics (Short Course).

Need and Use of Information Collection: The purpose of the proposed data collection activity is to complete a full-scale outcome evaluation of NHGRI's Summer Workshop in Genomics (a.k.a., the ''Short Course'') focusing on program participants between 2004 and 2012. This training program is an intensive multi-day course that updates instructors and researchers of biology and nursing (and other related disciplines) on the latest research trends and topics in genomic science. The course focuses on the continuing effort to find the genetic basis of various diseases and disorders, and current topics on the ethical, legal and social implications of genomics.

The Education and Community Involvement Branch (ECIB) designed the program to accomplish the following goals, which align with elements of both the NIH and NHGRI missions:

- Expand NIH and NHGRI's professional network to reach out to diverse communities, and to create new partnership opportunities.
- Prepare the next generation of genomics professionals for an era of genomic medicine.
- Train and diversify the pipeline of genome professionals in alignment with the NIH and US Department of Health and Human Services diversity efforts.

The ECIB has collected informal course evaluations from active participants immediately upon course completion since inception of the Short Course in 2003, and then used the data to tweak the program, but it has not conducted a long-term, cumulative and substantive outcome evaluation. NHGRI and the ECIB propose to conduct such an outcome evaluation, focusing on three main objectives:

(1) To understand the degree of genetic and genomic curriculum integration by faculty participants;

(2) To explore the barriers and supports faculty experience and changes when integrating curriculum; and

(3) To investigate the influence of the program on the participants' career path.

Survey findings will provide valuable information about the various methods and pathways instructors use to disseminate new knowledge (and the associated timelines), the barriers and supports experienced by faculty as they integrate new knowledge into their teaching, and insights about additional avenues of support that NHGRI could provide teaching faculty from the types of institutions identified. Key indicators will also provide evidence about the degree to which the Short Course is meeting its goals. Collectively, the outcome evaluation will inform future program design and budget allocations.

OMB approval is requested for 2 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 155.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Short Course Survey	Students and Faculty	310	1	30/60	155
Totals		310			155

Dated: August 11, 2015.

Gloria Butler,

NHGRI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–21004 Filed 8–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–109: Mechanistic Insights From Birth Cohorts.

Date: September 15, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Long-Term Outcomes of Bariatric Surgery Using Large Datasets.

Date: September 17, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–14–085: Metabolic Reprogramming in Immunotherapy.

Date: September 17, 2015.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: October 1–2, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 1–2, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.

Date: October 6–7, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Kinzie Hotel, 20 West Kinzie Street, Chicago, IL 60654.

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

Date: October 7–8, 2015.

Time: 8:00 a.m. to 5:00 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: Kathryn Kalasinsky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158 MSC 7806, Bethesda, MD 20892, 301–402–1074, *kalasinskyks@mail.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

Date: October 7, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov*.

Name of Committee: Vascular and Hematology Integrated Review Group; Molecular and Cellular Hematology Study Section.

Date: October 7–8, 2015.

Time: 8:00 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: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Learning and Memory Study Section.

Date: October 7, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 5181 MSC 7846, Bethesda, MD 20892–7846, 301–435–1236, *zhaow@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 19, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20919 Filed 8–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial 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 Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable 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 Dental and Craniofacial Research Council.

Date: September 18, 2015.

Open: 9:00 a.m. to 10:45 a.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 11:00 a.m. to 12:35 p.m.

Agenda: Special Session on Oral Microbiome and Discussion.

Place: National Institutes of Health, Building 31C, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 2:00 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Institute of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, 301–594–4890, *adombroski@nidcr.nih.gov*.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 19, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–20918 Filed 8–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0693]

National Maritime Security Advisory Committee; Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The National Maritime Security Advisory Committee will meet in Washington, DC to discuss various issues relating to national maritime security. This meeting will be open to the public.

DATES: The Committee will meet on Tuesday, September 29, 2015, from 1:00 p.m. to 4:30 p.m. and Wednesday, September 30, 2015, from 9:00 a.m. to 12:00 p.m. This meeting may close early if all business is finished. All written public material and requests to make oral presentations should reach the Coast Guard on or before September 23, 2015.

ADDRESSES: The meeting will be held at U.S. Department of Transportation Headquarters (Oklahoma Room), 1200 New Jersey Avenue SE., Washington, DC, 20590. Due to security, members of the public wishing to attend must register with Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee, telephone 202–372–1108 or *ryan.f.owens@uscg.mil* no later than September 23, 2015. Additionally, all visitors to the Department of Transportation Headquarters must provide identification in the form of Government Issue picture identification card for access to the facility. Please arrive at least 30 minutes before the planned start of the meeting in order to pass through security.

This meeting will be broadcasted via a web enabled interactive online format and teleconference line. To participate via teleconference, dial 1–855–475–2447; the pass code to join is 764 990 20#. Additionally, if you would like to participate in this meeting via the online web format, please log onto *https://share.dhs.gov/nmsac/* and follow the online instructions to register for this meeting.

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. Comments that the public wishes the members to see prior to the meeting should be submitted no later than September 23, 2015. Identify your comments by docket number [USCG–2015–0693] using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. We encourage use of electronic submissions because security screening may delay delivery of mail.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Same as mail address above, between 9:00 a.m. and 5:00 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 [USCG–2015–0693]. All submissions 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,* insert ''USCG–2015–0693'' in the ''Search'' box, and follow instructions on the Web site.

Public comments will be sought throughout the meeting by the Designated Federal Officer as specific issues are discussed by the committee. Additionally, public oral comment periods will be held during the meetings on September 29, 2015, from 4:00 p.m. to 4:15 p.m., and September 30, 2015, from 11:10 a.m. to 11:30 a.m. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period will end following the last call for comments. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee, 2703 Martin Luther King Jr. Avenue SE., Stop 7581, Washington, DC 20593–7581; telephone 202–372–1108 or email *ryan.f.owens@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5, United States Code, Appendix. The National Maritime Security Advisory Committee operates under the authority of 46 U.S.C. 70112. The National Maritime Security Advisory Committee provides advice, consults with, and makes recommendations to the Secretary of Homeland Security, via the Commandant of the Coast Guard, on matters relating to national maritime security.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/NMSAC* by September 23, 2015. Alternatively, you may contact Ryan Owens as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda of Meeting

Day 1

The committee will meet to review, discuss and formulate recommendations on the following issues:

(1) Coast Guard Cyber Security Strategy. The Coast Guard issued a Cyber Security Strategy on June 16, 2015. A copy of the strategy can be found at *http://www.uscg.mil/seniorleadership/DOCS/cyber.pdf.* The National Maritime Security Advisory Committee will meet to review and provide recommendations on this strategy.

(2) Transportation Worker Identification Credential; Next

Generation Specifications. The committee will discuss and formulate recommendations on what the next generation of Transportation Worker Credentials and readers should incorporate.

(3) Coast Guard Industry Training Revisions. The Coast Guard operates a program that places members in positions within the maritime industry to better understand how it works. The Committee will be tasked with developing recommendations on how to enhance this program.

(4) Update on harmonization of rules with Canada and the Beyond the Border Initiative. The Committee will receive an update brief on these two programs.

(5) Public comment period.

Day 2

The Committee will meet to review, discuss and formulate recommendations on the following issues:

(1) Extremely Hazardous Cargo Strategy. The Committee will receive a brief and provide recommendations on the implementation of the Department of Homeland Security's Extremely Hazardous Cargo Strategy.

(2) Energy Renaissance. National Maritime Security Advisory Committee will receive a brief and provide recommendations on the increased movement of petrochemical cargos in the inland waterways.

(3) Election of New Chairman and Vice Chairman.

(4) Public comment period.

Dated: August 19, 2015.

V.B. Gifford,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2015–20953 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0752]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee and its working groups will meet to discuss various issues related to the training and fitness of merchant marine personnel. These meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee working groups are scheduled to meet on September 16, 2015, from 8 a.m. until 5:30 p.m., and the full Committee is scheduled to meet on September 17, 2015, from 8 a.m. until 5:30 p.m. Written comments for distribution to Committee members and for inclusion on the Merchant Marine Personnel Advisory Committee Web site must be submitted on or before September 8, 2015. Please note that these meetings may adjourn early if all business is finished.

ADDRESSES: The Committee will meet in the Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, WV 25404–7120.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Committee and working groups as listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2015–0752 and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S.Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329. Instructions: All submissions must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' field and follow the instructions on the Web site.

Public oral comment periods will be held each day. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end following the last call for comments. Contact Mr. Davis Breyer as indicated below to register as a speaker. This notice may be viewed in our online docket, USCG–2015–0752, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, telephone 202–372–1445, or at *davis.j.breyer@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527. For further information on the location of the Coast Guard National Maritime Center, including information on facilities or services for individuals with disabilities or to request special assistance, contact Ms. Karen Quigley at 304–433–3403 or via email at *karen.l.quigley@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the U.S. merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation, including the task statements, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the announcements key. Alternatively, you may contact Mr. Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

Day 1

The agenda for the September 16, 2015, meeting is as follows:

(1) The full Committee will meet briefly to discuss the working groups' business/task statements, which are listed under paragraph 2 (a)–(h) below.

(2) Working groups will address the following task statements which are available for viewing at *http://homeport.uscg.mil/merpac:*

(a) Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications;

(b) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(c) Task Statement 84, Correction of merchant mariner credentials issued with clear errors;

(d) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping and Changes to National Endorsements rulemaking;

(e) Task Statement 88, Mariner occupational health risk study analysis to further develop policy guidance on mariner fitness; and

(f) Task Statement 89, Review and update of the International Maritime Organization's Maritime Safety Committee Circular MSC/Circ.1014, ''Guidelines on Fatigue Mitigation and Management.''

(3) Reports of working groups. At the end of the day, the working groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of this working group meeting will be taken on day 2 of the meeting.

(4) Public comment period.

(5) Adjournment of meeting.

Day 2

The agenda for the September 17, 2015, full Committee meeting is as follows:

(1) Introduction;

(2) Remarks from Coast Guard Leadership;

(3) Designated Federal Officer announcements;

(4) Roll call of Committee members and determination of a quorum;

(5) Reports from the following working groups;

(a) Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications;

(b) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(c) Task Statement 80, Develop training guidelines for mariners employed aboard vessels subject to the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels;

(d) Task Statement 81, Development of competency requirements for vessel personnel working within the polar regions;

(e) Task Statement 84, Correction of merchant mariner credentials issued with clear errors; and

(f) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping and Changes to National Endorsements rulemaking.

(g) Task Statement 88, Mariner occupational health risk study analysis to further develop policy guidance on mariner fitness.

(h) Task Statement 89, Review and update of International Maritime Organization's Maritime Safety Committee Circular MSC/Circ.1014, ''Guidelines on Fatigue Mitigation and Management.''

(6) Other items for discussion:

(a) Report on the Implementation of the 2010 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping;

(b) Report on National Maritime Center activities from the National Maritime Center Commanding Officer, such as the net processing time it takes for mariners to receive their credentials after application submittal;

(c) Report on Mariner Credentialing Program Policy Division activities, such as its current initiatives and projects;

(d) Report on International Maritime Organization/International Labor Organization issues related to the merchant marine industry; and

(e) Briefings about on-going Coast Guard projects related to personnel in the U.S. merchant marine, including a draft task statement concerning job descriptions for the various billets on merchant vessels.

(7) New Business.

New task statement—''Merchant Mariner Credential Expiration Harmonization.''

(8) Public comment period.

(9) Discussion of working group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the working groups and approve/formulate recommendations for the Department's consideration. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2015–20973 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0042]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Navigation Safety Advisory Council will meet in Arlington, Virginia to discuss matters relating to maritime collisions, rammings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. These meetings will be open to the public.

DATES: The Navigation Safety Advisory Council will meet on Wednesday, September 9, 2015, from 8 a.m. to 5:30 p.m., and on Thursday, September 10, 2015, from 8 a.m. to 5:30 p.m. Please note these meetings may close early if the Council has completed its business.

ADDRESSES: The meeting will be held at the Holiday Inn Arlington at Ballston, 4610 Fairfax Drive, Arlington VA 22203. *https://www.holidayinn.com/hotels/us/en/arlington/wasfx/hoteldetail/directions.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Burt Lahn listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible.

To facilitate public participation, we are inviting public comment on the

issues to be considered by the Council as listed in the ''Agenda'' section below. Any written material submitted by the public will be distributed to the Council and become part of the public record. Written comments must be submitted no later than September 2, 2015 if you want Council members to be able to review your comments before the meeting. Comments must be identified by the docket number, USCG–2015–0042 and submitted using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action, USCG 2015–0042. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov* insert USCG–2015–0042 in the Search box, press Enter, and then click on the item you wish to view.

A public comment period will be held during the meeting on September 9, 2015, from 5 p.m. to 5:30 p.m. and on September 10, 2015, prior to the close of the meeting. Public presentations may also be given. Speakers are requested to limit their presentation and comments to 10 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. To register as a speaker, contact Mr. Burt Lahn listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: If you have questions about these meetings, please contact Mr. George Detweiler, the Navigation Safety Advisory Council Alternate Designated Federal Officer, Commandant (CG–NAV–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., Stop 7418, Washington, DC 20593, telephone 202–372–1566 or email *George.H.Detweiler@uscg.mil* or Mr. Burt Lahn, Navigation Safety Advisory Council meeting coordinator, at telephone 202–372–1526 or email *burt.a.lahn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, and Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code, Appendix.

The Navigation Safety Advisory Council is an advisory committee authorized in 33 United States Code 2073 and chartered under the provisions of the Federal Advisory Committee Act. The Navigation Safety Advisory Council provides advice and recommendations to the Secretary, through the Commandant of the U.S. Coast Guard, on matters relating to prevention of maritime collisions, rammings, and groundings, Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/mycg/portal/ep/channelView.do?channelId=-18422&channelPage=%2Fep%2Fchannel%2Fdefault.jsp&pageTypeId=13489&BV_SessionID=@@@@1079277902.1438955092@@@@&BV_EngineID=ccceadgglkmjhddcfngcfkmdfhfdfgl.0* by September 2, 2015. Alternatively, you may contact Mr. Burt Lahn as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The Navigation Safety Advisory Council will meet to review, discuss and formulate recommendations on the following topics.

Wednesday, September 9, 2015

(1) Electronic Chart Systems. The Coast Guard has received periodic inquiries from the U.S. marine industry about the use of electronic charts on non-SOLAS commercial vessels. Navigation Safety Advisory Council will be asked to provide views on the use of electronic charts and associated equipment on domestic commercial vessels;

(2) Atlantic Coast Port Access Route Study. The Atlantic Coast Port Access Route Study was initiated to study the navigational users and industrial development off the Atlantic Coast. The Coast Guard will provide an update on the results of this ongoing effort including Marine Planning Guidelines developed in conjunction with the Atlantic Coast Port Access Route Study;

(3) The Coast Guard's Future of Navigation initiative leverages technology in order to optimize the mix of electronic and visual aids to navigation. The Coast Guard will provide information on this project. This will include a presentation on the Seacoast Waterways Analysis and Management Study; and

(4) Vessel Traffic Services. The Coast Guard will provide an update of the Vessel Traffic Service program and information concerning the National Transportation Safety Board Vessel Traffic Services Safety Study.

Following the above presentations, the Designated Federal Officer will form a subcommittee to continue discussions on the task statement: Navigation Safety Advisory Council Task 15–01—Unmanned Maritime Systems Best Practices.

The Designated Federal Officer will form subcommittees to discuss and provide recommendations on the following new task statements as appropriate:

(1) Navigation Safety Advisory Council Task 15–03—Marine Planning Guidelines. The Council will be asked to review the Marine Planning Guidelines and provide comments and recommendations; and

(2) Navigation Safety Advisory Council Task 15–04—Discontinuance of an Aid to Navigation. The Coast Guard will review its existing discontinuance of an aid to navigation process and present its new draft process for review and comment by the Council.

(3) Navigation Safety Advisory Council Task 15–05—Electronic Chart Systems. The Council will be asked to review the Electronic Chart Systems carriage requirements and a draft Coast Guard policy concerning their use of ECS in lieu of paper charts.

Public comments or questions will be taken during the meeting as the Council discusses each issue and prior to the Council formulating recommendations on each issue. There will also be a public comment period at the end of the meeting.

Thursday, September 10, 2015

(1) Subcommittee discussions continued from Wednesday, September 9, 2015;

(2) Subcommittee reports presented to the Council;

(3) New Business;

a. Summary of Navigation Safety Advisory Council action items.

b. Schedule next meeting date—Spring, 2016.

c. Council discussions and acceptance of new tasks.

A public comment period will be held after the discussion of new tasks. Speakers' comments are limited to 10 minutes each. Public comments or questions will be taken at the discretion of the Designated Federal Officer during the discussion and recommendations, and new business portion of the meeting.

Dated: August 20, 2015.

G.C. Rasicot,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2015–21013 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0110]

Agency Information Collection Activities: Visa Waiver Program Carrier Agreement

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Visa Waiver Program Carrier Agreement (CBP Form I–775). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before September 24, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (80 FR 25313) on May 4, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Visa Waiver Program Carrier Agreement.

OMB Number: 1651–0110.

Form Number: CBP Form I–775.

Abstract: Section 223 of the Immigration and Nationality Act (INA) (8 U.S.C. 1223(a)) provides for the necessity of a transportation contract. The statute provides that the Attorney General may enter into contracts with transportation lines for the inspection and administration of aliens coming into the United States from a foreign territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General. Pursuant to the Homeland Security Act of 2002, this authority was transferred to the Secretary of Homeland Security.

The Visa Waiver Program Carrier Agreement (CBP Form I–775) is used by carriers to request acceptance by CBP into the Visa Waiver Program (VWP). This form is an agreement whereby carriers agree to the terms of the VWP as delineated in Section 217(e) of the INA (8 U.S.C. 1187(e)). Once participation is granted, CBP Form I–775 serves to hold carriers liable for the transportation costs, to ensure the completion of required forms, and to share passenger data. Regulations are promulgated at 8 CFR part 217.6, Carrier Agreements. A copy of CBP Form I–775 is accessible at: *http://www.cbp.gov/newsroom/publications/forms?title=775.*

Current Actions: This submission is being made to extend the expiration date with no change to information collected or to CBP Form I–775.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 400.

Estimated Number of Total Annual Responses: 400.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 200.

Dated: August 19, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–21041 Filed 8–24–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[DHS Docket No. ICEB–2010–0003]

RIN 1653–ZA08

Extension of Employment Authorization for Haitian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the January 12, 2010 Earthquake in Haiti

AGENCY: U.S. Immigration and Customs Enforcement (ICE), DHS.

ACTION: Notice.

SUMMARY: This notice informs the public of the extension of an earlier notice, which suspended certain requirements for F–1 nonimmigrant students whose country of citizenship is Haiti and who are experiencing severe economic

hardship as a direct result of the January 12, 2010 earthquake in Haiti. This notice extends the effective date of that notice. These students will continue to be allowed to apply for employment authorization, work an increased number of hours while school is in session provided that they satisfy the minimum course load requirement, while continuing to maintain their F–1 student status until July 22, 2017.

DATES: This notice is effective August 25, 2015, and will remain in effect until July 22, 2017.

FOR FURTHER INFORMATION CONTACT: Louis Farrell, Director, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536–5600; email: *sevp@ice.dhs.gov,* telephone: (703) 603–3400. This is not a toll-free number. Program information can be found at *http://www.ice.gov/sevis/.*

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary of Homeland Security is exercising authority under 8 CFR 214.2(f)(9) to extend the suspension of the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Haiti and who are experiencing severe economic hardship as a direct result of the of the January 12, 2010 earthquake in Haiti. *See* 75 FR 56120 (Sept. 15, 2010) (2010 Haitian F–1 nonimmigrant notice). The original notice was effective from September 15, 2010, until July 22, 2011. Subsequent notices provided for an 18-month extension from July 22, 2011, until January 22, 2013 (76 FR 28997, May 19, 2011); from January 22, 2013, until July 22, 2014 (77 FR 59942, Oct. 1, 2012); and again from July 22, 2014, until January 22, 2016 (79 FR 11805, Mar. 03, 2014). Effective with this publication, suspension of certain requirements involving employment is extended for 18 months from January 22, 2016, until July 22, 2017.

F–1 nonimmigrant students granted employment authorization through the notice will continue to be deemed to be engaged in a ''full course of study'' for the duration of their employment authorization, provided they satisfy the minimum course load requirement described in the 2010 Haitian F–1 nonimmigrant notice. *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered under this action?

This notice applies exclusively to F–1 nonimmigrant students whose country of citizenship is Haiti and who were lawfully present in the United States in F–1 nonimmigrant status on January 12, 2010, under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i); and who are—

(1) Enrolled in an institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment of F–1 students,

(2) Currently maintaining F–1 status, and

(3) Experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti.

This notice applies to both undergraduate and graduate students, as well as elementary school, middle school, and high school students. The notice, however, applies differently to elementary school, middle school, and high school students (see the discussion published in the 2010 Haitian F–1 nonimmigrant notice, 75 FR 56120, available at *http://www.gpo.gov/fdsys/pkg/FR-2010-09-15/pdf/2010-22929.pdf,* in the question, ''Does this notice apply to elementary school, middle school, and high school students in F–1 status?'').

F–1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F–1 students remain eligible for the relief provided by means of this notice.

Why is DHS taking this action?

The Department of Homeland Security (DHS) took action to provide temporary relief to F–1 nonimmigrant students whose country of citizenship is Haiti and who experienced severe economic hardship because of the January 12, 2010 earthquake. *See* 75 FR 56120. That action enabled these F–1 students to obtain employment authorization, work an increased number of hours while school was in session, and reduce their course load, while continuing to maintain their F–1 student status.

The January 12, 2010 earthquake caused extensive damage to Haiti's infrastructure, public health, agriculture, transportation, and educational facilities. While significant progress has been made in living conditions and infrastructure in Haiti, the country continues to struggle with many people still displaced as a result of the earthquake, and it faces ongoing challenges to its overall economic situation. According to the International Organization for Migration (IOM), as of January 9, 2015, approximately 80,000 Haitians remain in temporary camps.[1] For these reasons, among others, Haiti continues to experience significant difficulties as the country strives to recover. F–1 nonimmigrant students whose country of citizenship is Haiti may depend on money from relatives in Haiti who are themselves continuing to recover from the earthquake.

The United States is committed to continuing to assist the people of Haiti. DHS is therefore extending the suspension of certain requirements involving employment authorization for certain F–1 nonimmigrant students whose country of citizenship is Haiti and who are continuing to experience severe economic hardship as a result of the earthquake.

How do I apply for an employment authorization under the circumstances of this notice?

F–1 nonimmigrant students whose country of citizenship is Haiti; who were lawfully present in the United States on January 12, 2010; and who are experiencing severe economic hardship because of the January 12, 2010 earthquake may apply for employment authorization under the guidelines described in the 2010 Haitian F–1 nonimmigrant notice. This notice extends the time period during which such F–1 students may seek employment authorization due to the earthquake. It does not impose any new or additional policies or procedures beyond those listed in the original notice. All interested F–1 students should follow the instructions listed in the original notice.

Jeh Charles Johnson,

Secretary.

[FR Doc. 2015–21005 Filed 8–24–15; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

[DHS–2015–0051]

Homeland Security Information Network Advisory Committee; Meeting

AGENCY: Information Sharing Environment (ISEO)/Office of Chief Information Officer (OCIO), Department of Homeland Security.

ACTION: Committee management; notice of Federal Advisory Committee meeting.

[1] International Organization for Migration (IOM): ''Five Years After 2010 Earthquake, Thousands of Haitians Remain Displaced'' (Jan. 9, 2015), available at *http://www.iom.int/news/five-years-after-2010-earthquake-thousands-haitians-remain-displaced.*

SUMMARY: The Homeland Security Information Network Advisory Council (HSINAC) calls a full body, in-person meeting of its membership to receive all relevant information and facilitate development of recommendations to the HSIN Program Management Office (PMO) in the major issue area of developing Focused Mission Growth outcome measures.

DATES: The HSINAC will meet Monday, September 28, 2015 from 9 a.m.–5 p.m. EST and Tuesday, September 29, 2015 from 9 a.m.–12 p.m. in Washington, DC, and via conference call and HSIN Connect, an online web-conferencing tool, both of which will be made available to members of the general public. Please note that the meeting may end early if the committee has completed its business.

ADDRESSES: The meeting will be held in Washington, DC at 131 M. Street NE., 6th floor Conference Room and virtually via HSIN Connect, an online web-conferencing tool at *https://share.dhs.gov/hsinac,* and available via teleconference at 888–917–8048 Conference Pin: 1648049 for all public audience members. To access the web conferencing tool, go to *https://share.dhs.gov/hsinac,* click on ''enter as a guest,'' type in your name as a guest, and click ''submit.'' The teleconference lines will be open for the public and the meeting brief will be posted beforehand on the **Federal Register** site (*https://www.federalregister.gov/*). If the Federal government is closed, the meeting will be rescheduled.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Allison Buchinski, *allison.buchinski@associates.dhs.gov,* 202–343–4277, as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee. Comments must be submitted in writing no later than September 18, must be identified by the docket number—DHS–2015–0051, and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Allison Buchinski, *allison.buchinski@associates.hq.dhs.gov.* Also include the docket number in the subject line of the message.
- *Fax:* 202–447–3111.
- *Mail:* Allison Buchinski, Department of Homeland Security, OPS CIO–D Stop 0426, 245 Murray Lane SW., BLDG 410, Washington, DC 20528–0426.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number (DHS–2015–0051) for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the HSINAC go to *http://www.regulations.gov and type the docket number of DHS–2015–0051* into the ''search'' field at the top right of the Web site.

A public comment period will be held during the meeting on Monday, September 28, from 4:30 p.m. to 4:45 p.m. and again on Tuesday, September 29, from 11:00 a.m. to 11:15 a.m. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact one of the individuals listed below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael Brody, *Michael.brody@hq.dhs.gov,* and Phone: 202–282–9464.

SUPPLEMENTARY INFORMATION: The Homeland Security Information Network Advisory Committee (HSINAC) is an advisory body to the Homeland Security Information Network (HSIN) Program Office. This committee provides advice and recommendations to the U.S. Department of Homeland Security (DHS) on matters relating to HSIN. These matters include system requirements, operating policies, community organization, knowledge management, interoperability and federation with other systems, and any other aspect of HSIN that supports the operations of DHS and its Federal, state, territorial, local, tribal, international, and private sector mission partners. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The HSINAC provides advice and recommendations to DHS on matters relating to HSIN.

Agenda

The Agenda will have three major components. The first, Program Updates, will provide the HSINAC with information necessary to discuss and develop recommendations on specific advice related to the critical mission areas in which HSIN achieves growth in its user base and/or mission application, and how mission can establish a clear, reusable set of mission based outcome measures which will adequately convey the actual mission impact that HSIN has in homeland security operations. The second, Recommendations Development, will involve the deliberation by the HSINAC on the major issue area of defining Focused Mission Growth outcome measures to assist the Program in defining user success moving forward.

1. HSIN Program Update

a. HSINAC Members receive HSIN PMO updates on the following key issues, and offer critical feedback, guidance, and initial formulation of recommendations for future program enhancements:

i. An Introduction to the Information Sharing Environment Office (ISEO)—Members are provided an overview of the office and HSIN's recent alignment with ISEO and OCIO.

ii. The State of HSIN—Members are provided a strategic update on HSIN's progresses, challenges, and future plans.

iii. Focused Mission Growth—Members will hear about the Program's goals to enhance the quality of the HSIN user experience while adding mission value through a feedback session with the group.

iv. HSIN Annual Assessment—Members are given an overview of the HSIN Annual Report process and partake in a short focus group session to assist in the development of partner-focused success stories illustrating HSIN's role in fulfilling its mission to be the central provider of information sharing capabilities that allow for collaboration, situational awareness, and information exchange to fulfill our partner's homeland security mission areas.

2. Recommendations Development

a. Mission Focused Outcomes—Members will partake in a session to ensure that HSIN's operation and support is aligned with mission events, major incidents, and issues, assisting the HSIN Program with defining its mission based outcome measures.

3. Public Comment Period on Both Days

4. Closing Remarks

5. Adjournment of the Meeting

Dated: August 19, 2015.

Donna Roy,

Executive Director, Information Sharing Environment Office.

James Lanoue,

HSIN Program Director.

[FR Doc. 2015–20945 Filed 8–24–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2567–15; DHS Docket No. USCIS–2014–0001]

RIN 1615–ZB40

Extension of the Designation of Haiti for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Haiti for Temporary Protected Status (TPS) for 18 months, from January 23, 2016 through July 22, 2017.

The extension allows currently eligible TPS beneficiaries to retain TPS through July 22, 2017, so long as they otherwise continue to meet the eligibility requirements for TPS. The Secretary has determined that an extension is warranted because the conditions in Haiti that prompted the TPS designation continue to be met. There continue to be extraordinary and temporary conditions in that country that prevent Haitian nationals (or aliens having no nationality who last habitually resided in Haiti) from returning to Haiti in safety.

Through this Notice, DHS also sets forth procedures necessary for nationals of Haiti (or aliens having no nationality who last habitually resided in Haiti) to re-register for TPS and to apply for renewal of their Employment Authorization Documents (EAD) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who have previously registered for TPS under the designation of Haiti and whose applications have been granted. Certain nationals of Haiti (or aliens having no nationality who last habitually resided in Haiti) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions if they meet (1) at least one of the late initial filing criteria, and (2) all TPS eligibility criteria (including continuous residence in the United States since January 12, 2011, and continuous physical presence in the United States since July 23, 2011).

For individuals who have already been granted TPS under Haiti's designation, the 60-day re-registration period runs from August 25, 2015 through October 26, 2015. USCIS will issue new EADs with a July 22, 2017 expiration date to eligible Haiti TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on January 22, 2016. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of Haiti for 6 months, through July 22, 2016, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I–9) and the E-Verify processes.

DATES: The 18-month extension of the TPS designation of Haiti is effective January 23, 2016, and will remain in effect through July 22, 2017. The 60-day re-registration period runs from August 25, 2015 through October 26, 2015. (**Note:** It is important for re-registrants to timely re-register during this 60-day re-registration period and not to wait until their EADs expire.)

Further Information

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* You can find specific information about Haiti's TPS extension by selecting ''TPS Designated Country: Haiti'' from the menu on the left side of the TPS Web page.
- You can also contact the TPS Operations Program Manager at the Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–2060; or by phone at (202) 272–1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
DHS—Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Government—U.S. Government
IDP—Internally Displaced Person
IJ—Immigration Judge
INA—Immigration and Nationality Act
OSC—U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(2) and 8 CFR 244.2–.4.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

When was Haiti designated for TPS?

On January 21, 2010, the Secretary designated Haiti for TPS based on extraordinary and temporary conditions within the country, specifically the effects of the 7.0-magnitude earthquake that occurred on January 12, 2010. *See Designation of Haiti for Temporary Protected Status,* 75 FR 3476 (Jan. 21, 2010). In 2011, the Secretary both extended Haiti's designation and redesignated Haiti for TPS for 18 months through January 22, 2013. *See Extension and Redesignation of Haiti for*

Temporary Protected Status, 76 FR 29000 (May 19, 2011). Haiti's designation was then extended for an additional 18 months on October 1, 2012. *See Extension of the Designation of Haiti for Temporary Protected Status,* 77 FR 59943 (October 1, 2012). The Secretary last extended Haiti's TPS designation in 2014. Through a notice published in the **Federal Register** on March 3, 2014, the Secretary extended Haiti's designation for TPS for 18 months, through January 22, 2016, because the conditions warranting the 2011 redesignation continued to be met. *See Extension of the Designation of Haiti for Temporary Protected Status,* 79 FR 11808 (March 3, 2014). This announcement is the third extension of TPS for Haiti since the 2011 redesignation.

What authority does the Secretary of Homeland Security have to extend the designation of Haiti for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government (Government), to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[1] The Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation may be extended for an additional period of 6, 12, or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why is the Secretary extending the TPS designation for Haiti through July 22, 2017?

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in Haiti. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because the extraordinary and temporary conditions that led to Haiti's designation continue to exist and prevent Haitian nationals (or aliens having no nationality who last habitually resided in Haiti) from returning to Haiti in safety.

Many of the conditions prompting the original January 2010 TPS designation and the May 2011 redesignation persist, including a housing shortage, a cholera epidemic, limited access to medical care, damage to the economy, political instability, security risks, limited access to food and water, a heightened vulnerability of women and children, and environmental risks. More than 5 years after the earthquake, Haiti continues to recover.

The January 12, 2010 earthquake caused extensive damage to the country's physical infrastructure and public health, agricultural, housing, transportation, and educational facilities. The Haitian government estimates that 105,000 houses were destroyed and 188,383 houses collapsed or suffered considerable damage. At the peak of the displacement, estimates of people internally displaced range from approximately 1.5 million to 2.3 million. While most of the earthquake related rubble has been cleared, and there have been improvements to road conditions, the effort to rebuild damaged buildings has been slow. Virtually all government offices and ministries were destroyed in downtown Port-au-Prince and, 5 years later, remain housed in temporary facilities.

While the country continues to make progress in relocating people made homeless by the 2010 earthquake, estimates by the International Organization for Migration in December 2014 put the number of Haitians still living in internally displaced person (IDP) camps at approximately 80,000 scattered across 105 sites. Basic services available to camp residents have deteriorated as IDP camps close and funding dries up, with most camps lacking waste management services and adequate sanitation facilities—leading to a high risk of cholera transmission—and possessing malnutrition rates higher than emergency thresholds. Gender-based violence that exists within these informal settlement areas continues to be a serious concern and personal security is a serious and pervasive issue. While IDP camps are closing, Haiti's housing shortage remains far from resolved. Haiti lacks sufficient housing units to address its pre-earthquake shortage, replace damaged or destroyed units, and satisfy projected urban growth. Some Haitians have returned to unsafe homes or built houses in informal settlements located in hazardous areas without access to basic services.

Lingering infrastructure damage since the earthquake has also impacted food security. Even prior to the 2010 earthquake, Haiti had one of the highest rates of hunger and malnutrition in the Western Hemisphere, with 45 percent of the population undernourished and 30 percent of children under 5 suffering from chronic malnutrition. Damage from the 2010 earthquake exacerbated Haiti's historic food security challenges. An estimated 2.5 million people are unable to cover their basic food needs and a January 2015 United Nations report estimated that over 600,000 people were facing severe food insecurity.

Haiti's longstanding public health challenges were exacerbated by the January 2010 earthquake and an ongoing cholera epidemic that started in October 2010. The introduction of cholera in Haiti shortly after the earthquake, and its persistence since then, is mainly due to the lack of access to clean water and appropriate sanitation facilities. Concerted efforts by Haiti and its partners have reduced the number of reported cholera cases in the country, but Haiti continues to host the largest cholera epidemic in the Western Hemisphere. As of December 2014, the cholera epidemic has affected approximately 725,000 people and claimed over 8,800 lives in Haiti since October 2010. In January 2015, the U.S. Centers for Disease Control and Prevention stated that outbreaks of epidemic diseases still occur and that progress has been slow and limited in restoring Haiti's physical health infrastructure.

Haiti's ability to recover has been further constrained by political instability. The January 2010 earthquake had an immediate impact on governance and the rule of law in Haiti, killing an estimated 18 percent of the country's civil service and destroying key government infrastructure, including the National Palace, 28 of 29 government ministry buildings, the National Police headquarters, and various judicial facilities. Following the expiration of local and parliamentary

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

mandates on January 12, 2015, Haiti was left without a functioning legislative branch or duly elected local authorities. Increasingly, politically and economically motivated protests and demonstrations have turned violent.

Although the Government of Haiti has taken significant steps to improve stability and the quality of life for Haitian citizens, Haiti continues to lack the adequate infrastructure, health and sanitation services, and emergency response capacity necessary to ensure the personal safety of Haitian nationals.

Based upon this review and after consultation with appropriate Government agencies, the Secretary has determined that:

- The conditions that prompted the July 23, 2011 redesignation of Haiti for TPS continue to be met. *See* INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continue to be extraordinary and temporary conditions in Haiti that prevent Haitian nationals (or aliens having no nationality who last habitually resided in Haiti) from returning to Haiti in safety. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- It is not contrary to the national interest of the United States to permit Haitians (or aliens having no nationality who last habitually resided in Haiti) who meet the eligibility requirements of TPS to remain in the United States temporarily. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of Haiti for TPS should be extended for an 18-month period from January 23, 2016 through July 22, 2017. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 50,000 current Haiti TPS beneficiaries who are expected to file for re-registration under the extension.

Notice of Extension of the TPS Designation of Haiti

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, that the conditions that prompted the redesignation of Haiti for TPS on July 23, 2011, continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the existing designation of Haiti for TPS for 18 months, from January 23, 2016 through July 22, 2017. *See* INA section 244(b)(1)(C) and (b)(2), 8 U.S.C. 1254a(b)(1)(C) and (b)(2).

Jeh Charles Johnson,

Secretary.

Required Application Forms and Application Fees To Register or Re-Register for TPS

To register or re-register for TPS based on the designation of Haiti, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I–821)

- If you are filing an application for late initial registration, you must pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.2(f)(2) and 244.6 and information on late initial filing on the USCIS TPS Web page at *http://www.uscis.gov/tps.*
- If you are filing an application for re-registration, you do not need to pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.17.

2. Application for Employment Authorization (Form I–765)

- If you are applying for late initial registration and want an EAD, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you are age 14 through 65. No fee for the Application for Employment Authorization (Form I–765) is required if you are requesting an initial EAD and are under the age of 14 or over the age of 65 and applying for late initial registration.
- If you are applying for re-registration, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you want an EAD, regardless of age.
- You do not pay the fee for the Application for Employment Authorization (Form I–765) if you are not requesting an EAD, regardless of whether you are applying for late initial registration or re-registration. You must submit both completed application forms together. If you are unable to pay for the Application for Employment Authorization (Form I–765) and/or biometrics fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or submitting a personal letter requesting a fee waiver, and by providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* Fees for the Application for Temporary Protected Status (Form I–821), the Application for Employment Authorization (Form I–765), and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

Re-Filing a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can process the applications and issue EADs promptly. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to re-file their applications before the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to re-file by the re-registration deadline, the applicant may still re-file his or her application. This situation will be reviewed to determine whether the applicant has established good cause for late re-registration. However, applicants are urged to re-file within 45 days of the date on their USCIS fee waiver denial notice, if at all possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(c). For more information on good cause for late re-registration, visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* **Note:** As previously stated, although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial TPS application fee) when filing a TPS re-registration application, the applicant may decide to wait to request an EAD, and therefore not pay the Application for Employment Authorization (Form I–765) fee until after USCIS has approved the individual's TPS re-registration, if he or she is eligible. If you choose to do this, you would file the Application for Temporary Protected Status (Form I–821) with the fee and the Application

for Employment Authorization (Form I–765) without the fee and without requesting an EAD.

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You live in Florida	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, P.O. Box 4464, Chicago, IL 60680. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, 131 S. Dearborn—3rd Floor, Chicago, IL 60603.
You live in the State of New York	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, P.O. Box 660167, Dallas, TX 75266. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, 2501 S. State Highway, 121 Business Suite 400, Lewisville, TX 75067.
You live in any other state	*U.S. Postal Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, P.O. Box 24047, Phoenix, AZ 85074. *Non-U.S. Postal Delivery Service:* U.S. Citizenship and Immigration Services, Attn: Haiti TPS, 1820 E. Skyharbor Circle S, Suite 100, Phoenix, AZ 85034.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. Upon receiving a Notice of Action (Form I–797) from USCIS, please send an email to the appropriate USCIS Service Center handling your application providing the receipt number and stating that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. If your USCIS receipt number begins with the letters ''LIN,'' please email the Nebraska Service Center at *TPSijgrant.nsc@uscis.dhs.gov*. If your USCIS receipt number begins with the letters ''WAC,'' please email the California Service Center at *TPSijgrant.csc@uscis.dhs.gov*. You can find detailed information on what further information you need to email and the email addresses on the USCIS TPS Web page at *http://www.uscis.gov/tps*.

E-Filing

You cannot electronically file your application when re-registering or submitting an initial registration for Haiti TPS. Please mail your application to the mailing address listed in Table 1.

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To obtain case status information about your TPS application, including the status of a request for an EAD, you can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). If your Form I–765 Application for Employment Authorization has been pending for more than 90 days, and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at *https://infopass.uscis.gov*. However, we strongly encourage you first to check Case Status Online or call the USCIS National Customer Service Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 6-month extension of my current EAD through July 22, 2016?

Provided that you currently have TPS under the designation of Haiti, this Notice automatically extends your EAD by 6 months if you:

- Are a national of Haiti (or an alien having no nationality who last habitually resided in Haiti);
- Received an EAD under the last extension of TPS for Haiti; and
- Have an EAD with a marked expiration date of January 22, 2016, bearing the notation ''A–12'' or ''C–19'' on the face of the card under ''Category.''

Although this Notice automatically extends your EAD through July 22, 2016, you must re-register timely for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9). You can find additional detailed information on the USCIS I–9 Central Web page at *http://www.uscis.gov/I-9Central*. Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I–9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization) or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. An acceptable receipt is one that shows an employee has applied to replace a document that was lost, stolen or damaged. If you present this receipt, you must present your employer with the actual document within 90 days. An EAD is an acceptable document under ''List A.'' Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of January 22, 2016, and states ''A–12'' or ''C–19'' under ''Category,'' it has been extended automatically for 6 months by virtue of this **Federal Register** Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I–9) through July 22, 2016 (see the subsection titled ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?*'' for further information). To minimize confusion over this extension at the time of hire, you should explain to your employer that USCIS has automatically extended your EAD through July 22, 2016, based on your Temporary Protected Status. You are also strongly encouraged, although not required, to show your employer a copy of this **Federal Register** Notice confirming the automatic extension of employment authorization through July 22, 2016. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, or a combination of one selection from List B and one selection from List C.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?

Even though EADs with an expiration date of January 22, 2016, that state ''A–12'' or ''C–19'' under ''Category'' have been automatically extended for 6 months by this **Federal Register** Notice, your employer will need to ask you about your continued employment authorization once January 22, 2016, is reached to meet its responsibilities for Employment Eligibility Verification (Form I–9). Your employer does not need a new Form I–9 to reverify your employment authorization until July 22, 2016, the expiration date of the automatic extension, but may need to reinspect your automatically extended EAD to check the expiration date and code in order to record the updated expiration date on your Form I–9 if your employer did not keep a copy of this EAD at the time you initially presented it. You and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I–9) (see the subsection titled ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?*'' for further information). You are also strongly encouraged, although not required, to show this **Federal Register** Notice to your employer to explain what to do for Employment Eligibility Verification (Form I–9).

By July 22, 2016, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any unexpired document from List A or any unexpired document from List C on Employment Eligibility Verification (Form I–9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Form I–9 instructions. Your employer is required to reverify on Employment Eligibility Verification (Form I–9) the employment authorization of current employees upon the automatically extended expiration date of a TPS-related EAD, which is July 22, 2016, in this case. Your employer should use either Section 3 of the Employment Eligibility Verification (Form I–9) originally completed for the employee or, if this section has already been completed or if the version of Employment Eligibility Verification (Form I–9) is no longer valid, complete Section 3 of a new Employment Eligibility Verification (Form I–9) using the most current version. Note that your employer may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt. An acceptable receipt is one that shows an employee has applied to replace a document that was lost, stolen or damaged.

Can my employer require that I produce any other documentation to prove my current TPS status, such as proof of my Haitian citizenship or proof that I have re-registered for TPS?

No. When completing Employment Eligibility Verification (Form I–9), including reverifying employment authorization, employers must accept any documentation that appears on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9) that reasonably appears to be genuine and that relates to you or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Haitian citizenship or proof of re-registration for TPS when completing Employment Eligibility Verification (Form I–9) for new hires or reverifying the employment authorization of current employees. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin. Note that although you are not required to provide your employer with a copy of this **Federal Register** notice, you are strongly encouraged to do so to help avoid confusion.

What happens after July 22, 2016, for purposes of employment authorization?

After July 22, 2016, employers may no longer accept the EADs that this **Federal Register** Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of July 22, 2017, and can be presented to your employer for completion of Employment Eligibility Verification (Form I–9). Alternatively, you may choose to present any other legally acceptable document or

combination of documents listed on the Employment Eligibility Verification (Form I–9).

How do my employer and I complete Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I–9) for a new job prior to July 22, 2016, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work;''

b. Write the automatically extended EAD expiration date (July 22, 2016) in the first space; and

c. Write your alien number (USCIS number or A-number) in the second space (your EAD or other document from DHS will have your USCIS number or A-number printed on it; the USCIS number is the same as your A-number without the A prefix).

2. For Section 2, employers should record the:

a. Document title;

b. Issuing authority;

c. Document number; and

d. Automatically extended EAD expiration date (July 22, 2016).

By July 22, 2016, employers must reverify the employee's employment authorization in Section 3 of the Employment Eligibility Verification (Form I–9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job but that EAD has now been automatically extended, your employer may reinspect your automatically extended EAD if the employer does not have a photocopy of the EAD on file, and you and your employer should correct your previously completed Employment Eligibility Verification (Form I–9) as follows:

1. For Section 1, you should:

a. Draw a line through the expiration date in the first space;

b. Write ''July 22, 2016'' above the previous date;

c. Write ''TPS Ext.'' in the margin of Section 1; and

d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Draw a line through the expiration date written in Section 2;

b. Write ''July 22, 2016'' above the previous date;

c. Write ''EAD Ext.'' in the margin of Section 2; and

d. Initial and date the correction in the margin of Section 2.

By July 22, 2016, when the automatic extension of EADs expires, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

If you are an employer who participates in E-Verify and you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when this EAD is about to expire. Usually, this message is an alert to complete Section 3 of the Employment Eligibility Verification (Form I–9) to reverify an employee's employment authorization. For existing employees with TPS-related EADs that have been automatically extended, employers should dismiss this alert by clicking the red ''X'' in the ''dismiss alert'' column and follow the instructions above explaining how to correct the Employment Eligibility Verification (Form I–9). By July 22, 2016, employment authorization must be reverified in Section 3. Employers should never use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov*. Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process, employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline, at 800–255–8155 (TTY 800–237–2515), which offers language interpretation in numerous languages, or email OSC at *osccrt@usdoj.gov*.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email at *I-9Central@dhs.gov*. Calls are accepted in English and many other languages. Employees or applicants may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship status, immigration status, or national origin, or for information regarding discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I–9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I–9) differs from records available to DHS or the Social Security Administration.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). An employee that believes he or she was discriminated against by an employer in the E-Verify process based on citizenship or immigration status or based on national origin, may contact OSC's Worker

Information Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I–9) and E-Verify procedures is available on the OSC Web site at *http://www.justice.gov/crt/about/osc/* and the USCIS Web site at *http://www.dhs.gov/E-verify*.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each State may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

(1) Your unexpired EAD;

(2) A copy of this **Federal Register** Notice if your EAD is automatically extended under this Notice;

(3) A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration;

(4) A copy of your past or current Application for Temporary Protected Status Approval Notice (Form I–797), if you received one from USCIS; and/or

(5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this **Federal Register** Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found at the SAVE Web site at *http://www.uscis.gov/save,* then by choosing ''How to Correct Your Records'' from the menu on the right.

[FR Doc. 2015–21006 Filed 8–24–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–10]

Notice of Proposed Information Collection: Comment Request; FHA Insured Title I Property Improvement and Manufactured Home Loan Programs

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date: October 26, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Kevin Stevens, Director, Home Mortgage Insurance Division, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Title I Property Improvement and Manufactured Home Loan Programs.

OMB Control Number, if applicable: 2502–0328.

Type of Request: Extension of currently approved collection.

Description of the need for the information and proposed use: Title I loans are made by private sector lenders and insured by HUD against loss from defaults. HUD uses this information to evaluate individual lenders on their overall program performance. The information collected is used to determine insurance eligibility and claim eligibility.

Agency form numbers, if applicable: HUD–637, 646, 27030, 55013, 55014, 56001, 56001–MH, 56002, 56002–MH, & SF 3881.

Respondents:

- Lenders approved to make insured Title I loans
- Dealers/Contractors
- Manufacturers of manufactured homes
- Applicants for property improvement loans
- Applicants for manufactured home loans

Estimation of the total numbers of hours needed to prepare the information collection:

Estimated Number of Respondents: 10,733.

Estimated Number of Responses: 59,790.

Frequency of Response: 1.

Average Hours per Response: 17.03.

Total Estimated Burdens: 43,049.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: August 13, 2015.

Janet M. Golrick,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–20925 Filed 8–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5696–N–16]

Additional Clarifying Guidance, Waivers, and Alternative Requirements for Grantees in Receipt of Community Development Block Grant Disaster Recovery Funds Under the Disaster Relief Appropriations Act, 2013

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice provides clarifying guidance, waivers, and alternative requirements for Community Development Block Grant Disaster Recovery grantees in receipt of funds under the Disaster Relief Appropriations Act, 2013 (the Appropriations Act). This notice modifies requirements for infrastructure projects funded by grantees receiving an allocation for Hurricane Sandy. This notice also provides waivers and alternative requirements for the State of New Jersey's Energy Resilience Bank and LMI Homeowner Rebuilding Program, and for New York City's infrastructure projects and the Breezy Point Flood Mitigation System.

DATES: Effective Date: August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Stanley Gimont, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Room 7286, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Facsimile inquiries may be sent to Mr. Gimont at 202–401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Applicable Rules, Statutes, Waivers, and Alternative Requirements
III. Catalog of Federal Domestic Assistance
IV. Finding of No Significant Impact

I. Background

The Appropriations Act (Pub. L. 113–2, approved January 29, 2013) made available $16 billion in Community Development Block Grant disaster recovery (CDBG–DR) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas, resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et. seq.*) (Stafford Act), due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013. On March 1, 2013, the President issued a sequestration order pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (2 U.S.C. 901a), and reduced the amount of funding for CDBG–DR grants under the Appropriations Act to $15.18 billion. To date, a total of $15.18 billion has been allocated or set aside: $13 billion in response to Hurricane Sandy, $514 million in response to disasters occurring in 2011 or 2012, $655 million in response to 2013 disasters, and $1 billion set aside for the National Disaster Resilience Competition.

This notice specifies a waiver and alternative requirements and modifies requirements for Hurricane Sandy grantees in receipt of allocations under the Appropriations Act, which are described within the **Federal Register** notices published by the Department on March 5, 2013 (78 FR 14329), April 19, 2013 (78 FR 23578), August 2, 2013 (78 FR 46999), November 18, 2013 (78 FR 69104), March 27, 2014 (79 FR 17173), July 11, 2014 (79 FR 40133), October 16, 2014 (79 FR 62182), April 2, 2015 (80 FR 17772), and May 11, 2015 (80 FR 26942), referred to collectively in this notice as the ''prior notices.'' The requirements of the prior notices continue to apply, except as modified by this notice.[1]

II. Applicable Rules, Statutes, Waivers, and Alternative Requirements

The Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with HUD's obligation or use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements are based upon a determination by the Secretary that good cause exists and that the waiver or alternative requirement is not inconsistent with the overall purposes of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act). Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.

For the waivers and alternative requirements described in this notice, the Secretary has determined that good cause exists and that the waivers and alternative requirements are not inconsistent with the overall purpose of the HCD Act. Grantees may request waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities. Under the requirements of the Appropriations Act, waivers must be published in the **Federal Register** no later than 5 days before the effective date of such waiver.

1. *Exemptions from Infrastructure Program and Project Requirements—Obligated Assistance from Federal Grant Program Projects and Completed Projects—(Hurricane Sandy Grantees only).* The March 27, 2014, **Federal Register** notice, at paragraph II.1.b., Obligated Public Assistance Grant Program Projects (78 FR 17174), provides an exemption from certain infrastructure requirements described in paragraph 2 of the **Federal Register** notice published November 18, 2013, at 78 FR 69107, for those projects to which the Federal Emergency Management Agency (FEMA) had obligated Public Assistance (PA) funds on or before November 25, 2013. After consideration of the factors discussed below, HUD is now modifying this exemption. As of the effective date of this notice, the infrastructure requirements described in paragraph 2 at 78 FR 69107 will not apply to an infrastructure project carried out by a Hurricane Sandy CDBG–DR grantee if FEMA or any other Federal agency has obligated funds to that infrastructure project on or before January 15, 2014, or if the infrastructure project was completed on or before January 15, 2014.

Oftentimes CDBG–DR grantees are awarded Federal recovery funds for which CDBG–DR can be used as the source for the required non-Federal local match of funds. These Federal

[1] Links to the prior notices, the text of the Appropriations Act, and additional guidance prepared by the Department for CDBG–DR grants, are available on the HUD Exchange Web site: *https://www.hudexchange.info/cdbg-dr/cdbg-dr-laws-regulations-and-federal-register-notices/.*

sources may include, but are not limited to, the Environmental Protection Agency, the Federal Highway Administration, the Federal Transportation Administration, the Army Corps of Engineers, and the FEMA Public Assistance and Hazard Mitigation grant programs. Such grant assistance can be used for a variety of activities and often requires grantees to contribute a non-Federal share of funds to a project. If the project is an eligible CDBG–DR activity, CDBG–DR funds may be used for the payment of the non-Federal share required in connection with a Federal grant-in-aid program if permitted by the Federal awarding agency that required the match (see 24 CFR 570.201(g) and 42 U.S.C. 5305(a)(9)) .

Prior to HUD's November 18, 2013, notice, many grantees had coordinated with Federal agencies to secure funding for critical infrastructure projects, but only upon establishment of the Sandy Recovery Office and the launch of the Regional Coordination Working Group (now known as the Sandy Regional Infrastructure Resilience Coordination Group or SRIRC Group), in January 2014, would grantees have been able to comply with Federal coordination requirements outlined in the November 18, 2013 notice. In addition, grantees may have completed infrastructure projects before the establishment of the requirements described in that notice at paragraph 2 at 78 FR 69107.

Accordingly, the clarification described in the March 27, 2014, notice at paragraph II.1.b. is amended to read, ''Infrastructure requirements described in paragraph 2 at 78 FR 69107 do not apply to any infrastructure project where funds have been obligated by a Federal agency under any federal grant-in-aid program on or before January 15, 2014, or where a project funded through any means was completed on or before January 15, 2014.''

2. Waiver of requirement for assistance to businesses, including privately-owned utilities for Energy Resilience Bank activities (State of New Jersey only)—The **Federal Register** notice published on March 5, 2013, instituted an alternative requirement to various provisions at 42 U.S.C. 5305(a) and restricts the assistance provided to for-profit businesses to only those businesses that meet the definition of a small business as described by the Small Business Administration (SBA) at 13 CFR part 121. That notice also prohibited CDBG–DR grantees in receipt of funds under the Appropriations Act from providing funds to privatelyowned utilities (paragraph VI.D.41., *Alternative requirement for assistance to businesses, including privately-owned utilities,* at 78 FR 14347). The State of New Jersey has requested a waiver of the prohibition on assistance to businesses that do not meet the SBA definition of a small business and the prohibition on assistance to privately-owned utilities for its planned $200 million CDBG–DR investment in the New Jersey Energy Resilience Bank (ERB).

The Department approved the ERB in the State's disaster recovery Action Plan for the second allocation of CDBG–DR funds under the Appropriations Act on May 30, 2014.[2] The State has committed to using the ERB to harden critical facilities to ensure they remain operational during storm events through the use of distributed energy generation, such as combined heat and power, fuel cells, and off-grid solar inverters with battery storage. Eligible technologies must be constructed to operate independently from the electric utility grid and be able to start up without a direct connection to the electric grid when the grid is down due to extreme weather events. The ERB will focus on funding critical facilities in sectors that were impacted by Hurricane Sandy, including water and wastewater treatment plants, hospitals and long-term care facilities, colleges and universities, state and county correctional facilities, HUD-assisted multifamily housing units, community shelters, and transportation and transit infrastructure.

The ERB aligns with the Hurricane Sandy Rebuilding Strategy's (the Strategy) goal of ''Ensuring a Regionally Coordinated, Resilient Approach to Infrastructure Investment,'' and the Strategy specifically references the ERB as a program developed by the State with assistance from the Hurricane Sandy Rebuilding Task Force. The Strategy notes ''most energy infrastructure is privately-owned and operated, which means that resilience investment will come about only through close cooperation between the Federal and State governments and the private sector.''

Many of the facilities expected to receive funding through the State's ERB provide critical public services but are owned by a mix of public and for-profit entities, or are solely privately owned, and cannot be assisted under the current prohibitions imposed by the March 5, 2013, notice. At least 20 of the 108 potentially eligible hospital facilities are operated as for-profit entities and do not meet the small business criteria. Moreover, 438 of the State's 617 long-term care facilities and 95 of 170 institutions of higher learning are operated as for-profit entities and do not meet the small business criteria. The State also anticipates funding private utilities, such as private water districts, which serve the needs of their regional populations in the same manner as public utilities.

These facilities often serve communities most impacted by Hurricane Sandy, having high concentrations of low- and moderate-income (LMI) persons, and they provide essential services to vulnerable populations that are comparable to their public and non-profit counterparts. Without a waiver of the restrictions on assistance to certain types of businesses, many of these critical facilities would be ineligible for funding, leaving large gaps in the State's regional distributed energy networks and excluding significant populations (including LMI persons) from benefiting from the State's resiliency measures.

While not every critical facility will serve predominantly LMI populations, vulnerable residents typically rely more on community-based facilities and services, especially in disaster scenarios. To the extent that the ERB will be funding such facilities and services, LMI populations would benefit especially from the increased resiliency of critical infrastructure during the next storm event. Accordingly, as a condition of providing this waiver, HUD is requiring the State to develop a scoring methodology for the selection of ERB projects that provides preferential treatment to LMI areas and populations. The LMI benefit scoring methodology is to be designed to ensure continued progress by the State in meeting its overall CDBG–DR grant LMI benefit requirement and to ensure that, in financing ERB projects, the State places a significant priority on serving LMI areas and populations.

In its request to the Department, the State acknowledged that the ERB is not a substitute for private investment, but is instead designed to leverage additional private investment in resilient energy systems. The State has developed ERB financial products using substantial market research and analysis to ensure that products are attractive to consumers in the market, while also generating proceeds for the ERB. The State is also developing assistance packages that consist of variable contributions of loans, forgivable loans, and grants, with each product requiring varying levels of equity investments. Market research and analysis specific to each business sector and uniform

[2] *http://www.renewjerseystronger.org/plans-policies-reports/#cdbg.*

underwriting standards will drive the precise financing terms and equity contributions of participating businesses to ensure that assistance is based on actual identified need. For example, the water/wastewater product that the ERB will offer requires for-profit applicants to provide an equity contribution of 10 percent of total project cost, while there is no equity contribution for public or non-profit facilities. Accordingly, HUD is requiring the State to establish policies and procedures to ensure that the CDBG–DR funds invested in ERB projects reflect the actual identified financing needs of the assisted businesses, while also ensuring a robust return to the ERB to finance future investments.

Based on the critical role that the ERB will fulfill in ensuring long-term resiliency within Sandy-impacted New Jersey communities and for only those activities funded by the ERB as described in the State's approved disaster recovery Action Plan Amendment, the Department is waiving the alternative requirement in the March 5, 2013, notice and subsequent notices that prohibit funding businesses that do not meet the SBA definition of small business and funding of private utilities, subject to the following alternative requirements. As a condition of this waiver the State must:

- Provide preferential treatment to LMI areas and populations in its ERB scoring methodology;
- Require an equity contribution for for-profit critical facilities, the amount of which is to be based on uniform underwriting standards developed by the State and uniformly applied to all such facilities, to ensure that the level of assistance provided to these facilities addresses only the actual identified needs of the project; and
- Establish a mix of financing terms (loan, forgivable loan, and/or grant) for each assisted for-profit facility, based on the business's financial capacity, in order to ensure that assistance is based on actual identified need, in order to achieve a targeted use of funds and to safeguard against the potential over-subsidization of for-profit facilities.

This waiver allows the State to add new potential beneficiaries to the activity described within its amended Action Plan for disaster recovery. This change will constitute a substantial amendment as described in the March 5, 2013, notice (78 FR 14329) at paragraph VI.A.3.a. Accordingly, the State must submit a Substantial Action Plan Amendment revising its description of the ERB to include affected entities, and this amendment will be subject to the citizen participation requirements of the March 5, 2013, notice at VI.A.3, which requires no less than 7 calendar days to solicit public comment.

3. Extension of Urgent Need Certification Waiver for ERB activities (State of New Jersey only)—The March 5, 2013, **Federal Register** notice waives the certification requirements for classifying activities as meeting the CDBG urgent need national objective until ''two years after the date HUD obligates funds to a grantee for the activity'' (paragraph VI.A.1.f, *Use of the urgent need national objective,* at 78 FR 14336) and establishes an alternative requirement for grantees. That requirement provides that during the 2-year period, grantees must document how all programs and/or activities funded under the urgent need national objective category respond to a disaster-related impact. In its implementation of the Appropriations Act, HUD established the 2-year limit on the use of this alternative certification requirement in response to grantees' historical use of this urgent need alternative certification requirement in previous disasters. The State of New Jersey has requested an extension of the urgent need national objective alternative certification requirement for the program income generated from its CDBG–DR grant and used to fund activities through its ERB program.

HUD must obligate all funds under the Appropriations Act by September 30, 2017. Because grantees are required to expend program funds within 2-years following HUD's obligation of the funds, CDBG–DR funds used to finance ERB projects will automatically qualify under the 2-year alternative urgent need certification requirement. The State, however, intends to apply program income generated through ERB projects to additional ERB projects and may also apply program income from its other CDBG–DR programs to the ERB, beyond the 2-year period of the alternative urgent need certification requirement. The State has requested authority to use the alternative urgent need certification requirement; for the life of the CDBG–DR grant, for program income applied to the ERB. Without this extension, funds critical to the performance of the ERB could not be classified as meeting the urgent need national objective and program participants may be unable to raise necessary private capital for critical energy resilience projects. Providing this flexibility for ERB-financed projects will allow the projects to be implemented following the obligation of all CDBG–DR funds to the ERB and until the State has closed out its CDBG–DR Sandy recovery grant.

Therefore, until grant closeout and for only program income used to fund ERB activities, HUD is permitting the State of New Jersey, when the use of the urgent need national objective is warranted, to document the use of the urgent need national objective by applying the waiver and alternative requirement regarding urgent need at paragraph VI.A.1.f. of the March 5, 2013, notice (78 FR 14336). The program income requirements described in paragraphs A.2 and A.17 of section VI of the March 5, 2013, notice (78 FR 14336) will continue to apply.

4. Extension of 1-year time limitation on reimbursable pre-award expenses (State of New Jersey only)—Grantees in receipt of funds under the Appropriations Act are subject to the limitations on the reimbursement of pre-award disaster recovery expenses as provided for in CPD Notice 2014–017 (''Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants'') (the CPD Notice),[3] as may be amended, and the November 18, 2014, notice at section VI, paragraph 5, which requires grantees to comply with the provisions of the CPD Notice. The CPD Notice states that grantees may ''charge to CDBG–DR grants the eligible pre-award and pre-application costs of individuals and private entities related to single- and multi-family residential structures and nonresidential structures, only if the person or private entity incurred the expenses within 1-year after the date of the disaster and before the date on which the person or entity applies for CDBG–DR assistance.'' The State of New Jersey has requested an extension of this 1-year limitation for applicants to its LMI Homeowners Rebuilding Program in order to provide reimbursement for rehabilitation and reconstruction expenses incurred by LMI homeowners who incurred such expenses after this time limit and before applying to the program for Federal assistance.

The State of New Jersey implemented the LMI Homeowners Rebuilding Program pursuant to a VCA with the Department, which was executed on May 30, 2014. The VCA was established in response to a complaint filed by civil rights and fair housing organizations regarding the State's administration of its CDBG–DR funded recovery programs. The VCA required the State to implement the LMI Homeowners Rebuilding Program more than 1-year after the 1-year, post-disaster time

[3] *https://www.hudexchange.info/resource/4139/notice-cpd14017-guidance-for-charging-preaward-costs—to-cdbg-disaster-recovery-grants.*

limitation established in the CPD Notice. As a result, any rehabilitation expenses incurred by applicants to the program after the 1-year date would be ineligible for reimbursement. Without an extension of the 1-year limitation, the State would be limited in its ability to comply with the requirements of the VCA and to provide necessary housing assistance to LMI homeowners.

Accordingly, based on the critical role of the LMI Homeowner Rebuilding Program in providing housing recovery assistance to LMI residents and for only those applicants assisted through the State's LMI Homeowners Rebuilding Program, the Department is extending the date by which grantees may reimburse expenses incurred by applicants to the date of application to the LMI Homeowners Rebuilding Program, provided such expenses would otherwise be eligible expenses.

5. Waiver of Major Infrastructure Project (Covered Project) requirements for projects in multiple counties (New York City only)—The **Federal Register** notice published November 18, 2013, describes additional infrastructure requirements, including requirements placed on Covered Projects (paragraph VI.2.g., *Additional Requirements for Major Infrastructure Projects,* at 78 FR 69107). HUD approval is required for each major infrastructure project with such projects defined as having a total cost of $50 million or more (including at least $10 million of CDBG–DR funds), or projects that benefit multiple counties. The **Federal Register** notice published on March 27, 2014, clarified that ''benefits multiple counties'' means that the project is physically located in more than one county (paragraph II.1.a., *Definition of ''Benefits Multiple Counties,''* at 78 FR 17174). New York City has requested exemption from the major infrastructure requirements for projects located in multiple counties and exclusively within the city, where they otherwise would not meet the definition of a major infrastructure project.

New York City is composed of five counties (which are coterminous with its five boroughs) that are subordinate to the municipal government, and the city's authority precludes the need for due consideration of the counties' response. Requiring the city to adhere to the Department's requirements for major infrastructure projects in such cases would impose additional and unnecessary standards for relatively small projects that do not warrant the level of scrutiny triggered by the requirements. Accordingly, for purposes of identifying major infrastructure projects that are held to the requirements of the notice published November 18, 2013, and any subsequent notice that includes provisions for major infrastructure projects, HUD is providing New York City a waiver of the major infrastructure identification criteria to exclude projects located in multiple counties that are located exclusively within the city, only where the project would not otherwise meet the definition of a major infrastructure project by exceeding the total cost thresholds described above.

6. Waiver of requirements for housing rehabilitation activities for Breezy Point Flood Mitigation System (New York City only)—New York City has requested a waiver of 24 CFR 570.202(a)(1) to the extent necessary to permit new construction of a flood mitigation system at Breezy Point, a privately held cooperative in Queens, by classifying the entire system as an improvement for residential purposes.

Under the CDBG Entitlement Program regulations, which are applicable to units of local government, New York City may use CDBG–DR funds to finance the rehabilitation of privately owned buildings and improvements for residential purposes, including grounds improvements that are incidental to and necessary for housing rehabilitation. This housing rehabilitation provision does not permit the city to construct a new flood mitigation system that improves the grounds of a privately held cooperative that benefits an entire community. The community's unique status as a cooperative on a single property lot also precludes the city from funding the activity as an eligible public facility and improvement under the CDBG regulations at 24 CFR 570.201(c).

The flood mitigation system proposed for Breezy Point will provide critical protection to CDBG–DR home rehabilitation investments as well as investments from other Federal partners, and it will improve waterfronts damaged by Hurricane Sandy. The city has determined that the system is necessary to permit long-term disaster recovery from Hurricane Sandy for the Breezy Point community. Thus, the city has requested the ability to construct the project as part of its CDBG–DR housing rehabilitation and reconstruction efforts in the community.

The city is seeking $58.2 million to construct this system from FEMA's Hazard Mitigation Grant Program (HMGP), which requires a 25-percent, local match or $14.55 million that may potentially be sourced from the city's CDBG–DR grant. The community provides year-round residency to 4,300 people and consists of 2,400 homes, nearly all of which were damaged during Hurricane Sandy. The city and community, with State and Federal partners, has worked to rehabilitate homes and reconstruct the community. Federal investments in housing rehabilitation total approximately $450 million, including National Flood Insurance Program policy payments, SBA loans, FEMA Individual Assistance grants, the city's Rapid Repair grants, and CDBG–DR grants through the city's NYC Build it Back Program. The NYC Build it Back Program alone is projected to provide $200 million in housing rehabilitation assistance to households in the area, including $80 million in assistance to approximately 400 low- or moderate-income households. Without a provision to allow this flood mitigation improvement, Federal investments as well as numerous private and public interests would be exposed to flooding during major flood events and if sea levels rise. A Benefit-Cost Analysis conducted by the city identified a reduction in expected annual flood damages to the community of between 50 percent and 98 percent as a result of this project. In addition, according to the city, the protection that this project will provide has the potential to lower flood insurance premiums for structures in the neighborhood in the event of the revision of FEMA's area Flood Insurance Study (FIS) and the effective Base Flood Elevation.

Therefore, for the city's Breezy Point Flood Mitigation System only, the Department is waiving 24 CFR 570.202(a)(1) to the extent necessary to allow for the city's Breezy Point Flood Mitigation System to be classified as an eligible housing rehabilitation and preservation activity. Further, the Department is waiving section 105(a)4 of the HCD Act to the extent necessary to allow for the new construction associated with this activity that would otherwise be prohibited.

III. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the disaster recovery grants under this notice is 4.269.

IV. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m., weekdays, in the Regulations Division, Office of General Counsel,

Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

Dated: August 19, 2015.

Laura H. Hogshead,

Chief Operating Officer for Office of the Secretary.

[FR Doc. 2015–21065 Filed 8–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–41]

30-Day Notice of Proposed Information Collection: Insurance Termination Request for Multifamily Mortgage

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* September 24, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette Pollard@hud* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 30, 2015 at 80 FR 37282.

A. Overview of Information Collection

Title of Information Collection: Insurance Termination Request for Multifamily Mortgage.

OMB Approval Number: 2502–0416.

Type of Request: Revision of currently approved collection.

Form Numbers: HUD–9807.

Description of the need for the information and proposed use: The information collection is used to notify HUD that the mortgagor and mortgagee mutually agree to terminate the HUD multifamily mortgage insurance.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1891.

Estimated Number of Responses: 1891.

Frequency of Response: 1.

Average Hours per Response: 25.

Total Estimated Burdens: 473 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

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

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 19, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–20923 Filed 8–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–40]

30-Day Notice of Proposed Information Collection: Section 3 Summary Report for Economic Opportunities for Low and Very Low Income Persons (Form HUD 60002) and Section 3 Complaint Register (Form HUD 958)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: Comments Due Date: September 24, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 17, 2015 at 80 FR 34687.

A. Overview of Information Collection

Title of Information Collection: Section 3 Summary Report for Economic Opportunities for Low- and Very Low-Income Persons and (2) Section 3 Complaint Register.

OMB Approval Number: 2529–0043.

Type of Request: Revision.

Form Number: Form HUD 60002 and Form HUD 958.

Description of the need for the information and proposed use: Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C.1701u) (Section 3) mandates recipients of covered HUD financial assistance to provide employment, training, and contracting opportunities, to the greatest extend feasible, to low- and very low income persons, particularly those who are recipients of government assistance for housing residing in the community where the funds are spent, and to the businesses that substantially employ these persons. The implementing regulations are found at 24 CFR 135.

The Section 3 Summary Report (Form HUD 60002) is used by recipients of HUD financial assistance (*i.e.,* public housing agencies, municipalities, and property owners) to report the amount of jobs and contracting opportunities that have been generated from their usage of covered HUD financial assistance, as required at 24 CFR 135.90. Data collected on this form is used to assess the overall effectiveness of Section 3 and to make determinations of compliance with regulatory requirements.

The Section 3 Complaint Register (Form HUD 958) is used by individuals and business owners that meet the definition of a Section 3 resident or businesses concern set forth at 24 CFR 135.5, or their representatives, to file complaints alleging noncompliance with the regulatory requirements of Section 3 against recipients of covered HUD financial assistance or their contractors. Information collected on this form is used to inform the Department about recipients that potentially are not complying with 24 CFR 135, and to initiate subsequent complaint investigations and compliance reviews.

Respondents:

A. The Section 3 Summary Report—Form HUD 60002: Staff at public housing agencies, municipalities and HUD multi-family property owners.

B. The Complaint Register Form HUD 958: Low-income residents and businesses

1. How is the information to be used?

A. The Section 3 Summary Report—Form HUD 60002

The information will be used by the Department to monitor program recipients' compliance with requirements of Section 3. HUD headquarters will use the information to assess the results of the Department's efforts to meet the regulatory objectives; make compliance determinations; influence enforcement actions; and formulate policy decisions.

B. The Complaint Register Form HUD 958

The Section 3 Complaint Register (Form HUD 958) is used by individuals and business owners that meet the definition of a Section 3 resident or businesses concern set forth at 24 CFR 135.5, or their representatives, to file complaints alleging noncompliance with the regulatory requirements of Section 3 against recipients of covered HUD financial assistance or their contractors. Information collected on this form is used to inform the Department about recipients that potentially are not complying with 24 CFR 135, and to initiate subsequent complaint investigations and compliance reviews.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–60002	5,000	2	10,000	8	80,000	$22.71	$1,816,800
HUD–958	20	1	20	1	20	10.00	200
Total	5,020	3	10,020	9	90,180	22.71	1,817,000

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

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

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 19, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–20924 Filed 8–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Renewal of Agency Information Collection for the Application for Admission to Haskell Indian Nations University and to Southwestern Indian Polytechnic Institute

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Application for Admission to Haskell Indian Nations University (Haskell) and to

Southwestern Indian Polytechnic Institute (SIPI). This information collection is currently authorized by OMB Control Number 1076–0114, which expires August 31, 2015.

DATES: Interested persons are invited to submit comments on or before September 24, 2015.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to: Ms. Jacquelyn Cheek, Special Assistant to the Director, Bureau of Indian Education, 1849 C Street NW., Mailstop 4657–MIB, Washington, DC 20240; facsimile: (202) 208–3312; or email to: *Jacquelyn.Cheek@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Ms. Jacquelyn Cheek, phone: (202) 208–6983. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIE is requesting renewal of OMB approval for the admission forms for Haskell and SIPI. These admission forms are used in determining program eligibility of American Indian and Alaska Native students for educational services. These forms are utilized pursuant to the Blood Quantum Act, Public Law 99–228; the Synder Act, chapter 115, Public Law 67–85; and, the Indian Appropriations of the 48th Congress, chapter 180, page 91, For Support of Schools, July 4, 1884.

II. Request for Comments

On April 23, 2015, the BIA published a notice announcing the renewal of this information collection and provided a 60-day comment period in the **Federal Register** (80 FR 22739). There were no comments received in response to this notice.

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0114.

Title: Application for Admission to Haskell Indian Nations University and to Southwestern Indian Polytechnic Institute.

Brief Description of Collection: Submission of these eligibility application forms is mandatory in determining a student's eligibility for educational services. The information is collected on two forms: Application for Admission to Haskell form and SIPI form.

Type of Review: Extension without change of currently approved collection.

Respondents: Students.

Number of Respondents: 4,000 per year, on average.

Frequency of Response: Once per year for Haskell; each trimester for SIPI.

Estimated Time per Response: 30 minutes per Haskell application; 30 minutes per SIPI application.

Estimated Total Annual Hour Burden: 2,000 hours.

Estimated Total Annual Non-Hour Dollar Cost: $12,360 is the estimated total annual cost burden. We estimate 1,000 Haskell applications at $10 filing fee per application. There is no fee to apply to SIPI. In addition, we included the mailing costs associated with submitting applications to Haskell and SIPI.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2015–20928 Filed 8–24–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0019; DS63610000 DR2PS0000.CH7000 156D0102R2]

Agency Information Collection Activities: Accounts Receivable Confirmations—OMB Control Number 1012–0001; Comment Request

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of extension.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), ONRR is inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements under the Chief Financial Officers Act of 1990 (CFO).

DATES: Submit written comments on or before October 26, 2015.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference ''ICR 1012–0001'' in your comments):

1. Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0019'' and then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.

2. Mail comments to Mr. Luis Aguilar, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225–0165.

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Hans Meingast, Financial Management, MRM, ONRR, telephone (303) 231–3382 or email at *hans.meingast@onrr.gov.* For other questions, contact Mr. Luis Aguilar, telephone (303) 231–3418, or email at *luis.aguilar@onrr.gov.* You may also contact Mr. Aguilar to obtain copies, at no cost, of (1) the ICR, (2) any associated form, and (3) the regulations that require us to collect the information.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Secretary of the United States Department of the Interior is responsible

for collecting royalties from lessees who produce minerals from leased Federal and Indian lands and the Outer-Continental Shelf (OCS). The Secretary's responsibility, under various laws, is to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected under those laws. ONRR performs the royalty management functions for the Secretary.

We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production, and processing methods. When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The regulations require the lessee to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information we collect includes data necessary to ensure that lessees accurately value production and appropriately pay royalties.

Companies submit financial information monthly to ONRR on Forms ONRR–2014, Report of Sales and Royalty Remittance (OMB Control Number 1012–0004), and ONRR–4430, Solid Minerals Production and Royalty Report (OMB Control Number 1012–0010).

Every year, under the Chief Financial Officer (CFO), the Department's Office of Inspector General, or its agent (agent), audits the Department's financial statements. The Department's goal is to receive an unqualified opinion. Accounts receivable confirmations are a common practice in the audit business. Due to continuously increasing scrutiny on financial audits, third-party confirmation of the validity of ONRR's financial records is necessary.

As part of the CFO audit, the agent selects a sample of accounts receivable items and provides the sample items to ONRR. ONRR then identifies the company names and addresses for the sample items selected, and creates accounts receivable confirmation letters. In order to meet the CFO requirements, the letters must be on ONRR letterhead; and the Deputy Director for ONRR, or his or her designee, must sign the letters. The letter requests third-party confirmation responses by a specified date on whether or not ONRR's accounts receivable records agree with royalty payor records for the following items: Customer identification; royalty/invoice number; payor-assigned document number; date of ONRR receipt; original amount the payor reported; and remaining balance due ONRR. The agent mails the letters to the payors, instructing them to respond directly to the agent to confirm the accuracy and validity of selected royalty receivable items and amounts. Verifying the amounts reported and the balances due requires research and analysis by payors.

We are requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge the duties of the office. ONRR protects proprietary information that payors submit, and there are no questions of a sensitive nature included in this information collection.

II. Data

Title: Accounts Receivable Confirmations.

OMB Control Number: 1012–0001.

Bureau Form Number: None.

Frequency: Annually.

Estimated Number and Description of Respondents: 24 randomly selected Federal and Indian oil and gas and solid mineral royalty payors.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 6 hours. We estimate that each response will take 15 minutes for payors to complete.

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Cost Burden: We have identified no ''non-hour cost'' burden associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

III. Request for Comments

Section 3506(c)(2)(A) of the PRA requires each agency to ''* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. We also will post the ICR on our Web site at *http://www.onrr.gov/Laws_R_D/FRNotices/ICR0162.htm.*

Public Comment Policy: ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov.* Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so. 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 Office of Management and Budget control number.

Dated: August 13, 2015.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2015–20927 Filed 8–24–15; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0025; DS63610000 DR2PS0000.CH7000 156D0102R2]

Agency Information Collection Activities: Delegated and Cooperative Activities With States and Indian Tribes—OMB Control Number 1012–0003; Comment Request

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice of renewal of an existing Information Collection.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Office of Natural Resources Revenue (ONRR) is notifying the public that we have submitted to the Office of Management and Budget (OMB) an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR parts 1227, 1228, and 1229. This notice also provides the public with a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: OMB has up to 60 days to approve or disapprove this information collection request but may respond after 30 days; therefore, you should submit your public comments to OMB by September 24, 2015 for the assurance of consideration.

ADDRESSES: You may submit your written comments directly to the Desk Officer for the Department of the Interior (OMB Control Number 1012–0003), Office of Information and Regulatory Affairs, OMB, by email to *OIRA_Submission@omb.eop.gov* or telefax at (202) 395–5806. Please also mail a copy of your comments to Mr. Luis Aguilar, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225–0165, or email *Luis.Aguilar@onrr.gov.* Please reference OMB Control Number 1012–0003 in your comments.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Peter Hanley, State and Tribal Support, ONRR, at (303) 231–3721, or via email to *peter.hanley@onrr.gov*. For other questions, contact Mr. Luis Aguilar, at (303) 231–3418, or via email to *luis.aguilar@onrr.gov*. You may also contact Mr. Aguilar to obtain copies (free of charge) of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION:

1. Abstract

The Secretary of the U.S. Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under the Mineral Leasing Act of 1920, Outer Continental Shelf Lands Act of 1953 (OCS Lands Act), Geothermal Steam Act of 1970, and Indian Mineral Development Act of 1982, the Secretary is required to manage mineral resource production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected in accordance with applicable laws. The Secretary also has a trust responsibility to manage Indian lands and to seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Public laws pertaining to mineral leases on Federal and Indian lands and the OCS are available at *http://www.onrr.gov/Laws_R_D/PublicLawsAMR.htm*.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production on leased lands. The lessee, or the designee, must report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information that ONRR collects includes data necessary to ensure that the lessee accurately values and appropriately pays all royalties and other mineral revenues due.

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), which the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 amended, authorizes the Secretary to develop delegated and cooperative agreements with States (30 U.S.C. 1735, sect. 205) and Indian Tribes (30 U.S.C. 1732, sect. 202) to conduct certain inspections, audits, investigations, or limited enforcement activities for oil and gas leases within their respective boundaries. The States and Indian Tribes are working partners and are an integral part of the overall onshore and offshore compliance effort. The Appropriations Act of 1992 also authorizes the States and Tribes to perform the same functions for coal and other solid mineral leases.

This collection of information is necessary in order to verify that States and Tribes are able to effectively conduct audits and related investigations of Federal and Indian oil, gas, coal, any other solid minerals, and geothermal royalty revenues from Federal and Tribal leased lands. Relevant parts of the regulations include 30 CFR parts 1227, 1228, and 1229, as described below:

Title 30 CFR part 1227—Delegation to States provides procedures to delegate certain Federal minerals revenue management functions to States for Federal oil and gas leases. This regulation also provides only audit and investigation functions to States for Federal geothermal and solid mineral leases, and leases subject to section 8(g) of the OCS Lands Act, within their State boundaries. In order for ONRR to consider a State for such delegation, the State must submit a written proposal to, and receive approval from, the ONRR Director. States also must provide periodic accounting documentation to ONRR, including an annual work plan and quarterly reimbursement vouchers.

Title 30 CFR part 1228—Cooperative Activities with States and Indian Tribes, provides procedures for Indian Tribes to carry out audits and related investigations of their respective leased lands. The Tribe must submit a written proposal to ONRR in order to enter into a cooperative agreement. The proposal must outline the activities that the Tribe will undertake and must present evidence that the Tribe can meet the Secretary's standards in order for the Tribe to conduct the activities. The Tribe also must submit an annual work plan and budget, as well as quarterly reimbursement vouchers.

Title 30 CFR part 1229—Delegation to States provides procedures for States to carry out audits and related investigations of leased Indian lands within their respective State boundaries by permission of the respective Indian Tribal councils or individual Indian mineral owners. The State must receive the Secretary's delegation of authority and submit annual audit work plans

detailing its audits and related investigations, annual budgets, and quarterly reimbursement vouchers. States also must maintain records according to section 1227.200(d).

ONRR protects proprietary information that the States and Tribes submit under this collection. We do not collect items of a sensitive nature. States and Tribes must respond in order to obtain the benefit of entering into a cooperative agreement with the Secretary.

2. Data

Title: 30 CFR parts 1227, 1228, and 1229, Delegated and Cooperative Activities with States and Indian Tribes.

OMB Control Number: 1012–0003.

Bureau Form Numbers: None.

Frequency: Varies based on the function performed.

Estimated Number and Description of Respondents: 10 States and 6 Indian Tribes.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 17,705 hours.

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Cost Burden: We have identified no ''non-hour cost'' burden associated with this collection of information.

We have not included in our estimates certain usual and customary requirements that States and Tribes perform in the normal course of business. This 30-day **Federal Register** notice burden chart shows an adjustment increase of +4,786 burden hours from the previous 60-day notice; we based this adjustment on comments that we received from the Shoshone-Arapaho and Navajo Tribes. The following table shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
Part 1227—Delegation to States				
Delegation Proposals				
1227.103; 107; 109; 110(a–b(1)); 110 (c–e); 111(a–b); 805.	What must a State's delegation proposal contain? ..... If you want ONRR to delegate royalty management functions to you, then you must submit a delegation proposal to the ONRR Deputy Director. ONRR will provide you with technical assistance and information to help you prepare your delegation proposal. . . .	200	1	200
Delegation Process				
1227.110(b)(2)	(b)(2) If you want to change the terms of your delegation agreement for the renewal period, you must submit a new delegation proposal under this part.	16	11	176
Existing Delegations				
Compensation				
1227.112(d) and (e)	What compensation will a State receive to perform delegated functions? You will receive compensation for your costs to perform each delegated function subject to the following conditions . . . (d) At a minimum, you must provide vouchers detailing your expenditures quarterly during the fiscal year. However, you may agree to provide vouchers on a monthly basis in your delegation agreement . . . (e) You must maintain adequate books and records to support your vouchers . . .	4	64	256
States' Responsibilities To Perform Delegated Functions				
1227.200(a), (b), (c) and (d)	What are a State's general responsibilities if it accepts a delegation?. For each delegated function you perform, you must: (a) . . . seek information or guidance from ONRR regarding new, complex, or unique issues. . . . (b)(1) . . . Provide complete disclosure of financial results of activities; (2) Maintain correct and accurate records of all mineral-related transactions and accounts; (3) Maintain effective controls and accountability; (4) Maintain a system of accounts . . . (5) Maintain adequate royalty and production information . . . (c) Assist ONRR in meeting the requirements of the Government Performance and Results Act (GPRA) . . .	940	10	9,400

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(d) Maintain all records you obtain or create under your delegated function, such as royalty reports, production reports, and other related information. . . You must maintain such records for at least 7 years. . . .			
1227.200(e); 801(a); 804	(e) Provide reports to ONRR about your activities under your delegated functions . . At a minimum, you must provide periodic statistical reports to ONRR summarizing the activities you carried out . . .	3	40	120
1227.200(f); 401(e); 601(d)	(f) Assist ONRR in maintaining adequate reference, royalty, and production databases. . . .	1	1	1
1227.200(g); 301(e)	(g) Develop annual work plans . . .	60	10	600
1227.200(h)	(h) Help ONRR respond to requests for information from other Federal agencies, Congress, and the public . . .	8	10	80
1227.400(a)(4) and (a)(6); 401(d); 501(c).	What functions may a State perform in processing production reports or royalty reports?	1	1	1
	Production reporters or royalty reporters provide production, sales, and royalty information on mineral production from leases that must be collected, analyzed, and corrected.			
	(a) If you request delegation of either production report or royalty report processing functions, you must perform . . .			
	(4) Timely transmitting production report or royalty report data to ONRR and other affected Federal agencies . . .			
	(6) Providing production data or royalty data to ONRR and other affected Federal agencies. . . .			
1227.400(c)	(c) You must provide ONRR with a copy of any exceptions from reporting and payment requirements for marginal properties and any alternative royalty and payment requirements for unit agreements and communitization agreements you approve.	1	1	1
1227.601(c)	What are a State's responsibilities if it performs automated verification?			
	To perform automated verification of production reports or royalty reports, you must . . .	1	1	1
	(c) Maintain all documentation and logging procedures . . .			
	Performance Review			
Subtotal Burden for 30 CFR Part 1227.	.....	.....	150	10,836
	Part 1228—Cooperative Activities With States and Indian Tribes			
	Subpart C—Oil and Gas, Onshore			
1228.100(a) and (b); 101(c); 107(b).	Entering into an agreement	200	1	200
	(a) . . . Indian Tribe may request the Department to enter into a cooperative agreement by sending a letter from . . . tribal chairman . . . to the Director of ONRR.			
	(b) The request for an agreement shall be in a format prescribed by ONRR and should include at a minimum the following information:			
	(1) Type of eligible activities to be undertaken.			
	(2) Proposed term of the agreement.			
	(3) Evidence that . . . Indian Tribe meets, or can meet by the time the agreement is in effect . . .			
	(4) If the State is proposing to undertake activities on Indian lands located within the State, a resolution from the appropriate tribal council indicating their agreement to delegate to the State responsibilities under the terms of the cooperative agreement for activities to be conducted on tribal or allotted land.			

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1228.101(a)	Terms of agreement. (a) Agreements entered into under this part shall be valid for a period of 3 years and shall be renewable . . . upon request of . . . Indian Tribe. . . .	15	6	90
1228.101(d)	(d) . . . Indian Tribe will be given 60 days to respond to the notice of deficiencies and to provide a plan for correction of those deficiencies. . . .	80	1	80
1228.103(a) and (b)	Maintenance of records (a) . . . Indian Tribe entering into a cooperative agreement under this part must retain all records, reports, working papers, and any backup materials . . . (b) . . . Indian Tribe shall maintain all books and records . . .	940	6	5,640
1228.105(a)(1) and (a)(2)	Funding of cooperative agreements (a)(1) The Department may, under the terms of the cooperative agreement, reimburse . . Indian Tribe up to 100 percent of the costs of eligible activities. Eligible activities will be agreed upon annually upon the submission and approval of a work plan and funding requirement. (2) A cooperative agreement may be entered into with . . . Indian Tribe, upon request, without a requirement for reimbursement of costs by the Department.	60	6	360
1228.105(c)	(c) . . . Indian Tribe shall submit a voucher for reimbursement of eligible costs incurred within 30 days of the end of each calendar quarter. . . . Indian Tribe must provide the Department a summary of costs incurred, for which . . . Indian Tribe is seeking reimbursement, with the voucher.	20	24	480
Subtotal Burden for 30 CFR Part 1228.	.....	.....	44	6,850
	Part 1229—Delegation to States			
	Subpart C—Oil and Gas, Onshore			
	Administration of Delegations			
1229.100(a)(1) and (a)(2)	Authorities and responsibilities subject to delegation ..... (a) All or part of the following authorities and responsibilities of the Secretary under the Act may be delegated to a State authority: (1) Conduct of audits related to oil and gas royalty payments made to the Office of Natural Resources Revenue (ONRR) which are attributable to leased . . Indian lands within the State. Delegations with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian Tribe or allottee. (2) Conduct of investigation related to oil and gas royalty payments made to the ONRR which are attributable to . . Indian lands within the State. Delegation with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian Tribe or allottee. No investigation will be initiated without the specific approval of the ONRR. . . .	1	1	1
1229.101(a) and (d)	Petition for delegation (a) The governor or other authorized official of any State which contains . . Indian oil and gas leases where the Indian Tribe and allottees have given the State an affirmative indication of their desire for the State to undertake certain royalty management-related activities on their lands, may petition the Secretary to assume responsibilities to conduct audits and related investigations of royalty related matters affecting . . . Indian oil and gas leases within the State . . .	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(d) In the event that the Secretary denies the petition, the Secretary must provide the State with the specific reasons for denial of the petition. The State will then have 60 days to either contest or correct specific deficiencies and to reapply for a delegation of authority.			
1229.102(c)	Fact-finding and hearings (c) A State petitioning for a delegation of authority shall be given the opportunity to present testimony at a public hearing.	1	1	1
1229.103(c)	Duration of delegations; termination of delegations (c) A State may terminate a delegation of authority by giving a 120-day written notice of intent to terminate.	1	1	1
1229.105	Evidence of Indian agreement to delegation In the case of a State seeking a delegation of authority for Indian lands . . . the State petition to the Secretary must be supported by an appropriate resolution or resolutions of tribal councils joining the State in petitioning for delegation and evidence of the agreement of individual Indian allottees whose lands would be involved in a delegation. Such evidence shall specifically speak to having the State assume delegated responsibility for specific functions related to royalty management activities.	1	1	1
1229.106	Withdrawal of Indian lands from delegated authority If at any time an Indian Tribe or an individual Indian allottee determines that it wishes to withdraw from the State delegation of authority in relation to its lands, it may do so by sending a petition of withdrawal to the State. . . .	1	1	1
1229.109(a)	Reimbursement for costs incurred by a State under the delegation of authority. (a) The Department of the Interior (DOI) shall reimburse the State for 100 percent of the direct cost associated with the activities undertaken under the delegation of authority. The State shall maintain books and records in accordance with the standards established by the DOI and will provide the DOI, on a quarterly basis, a summary of costs incurred . . .	1	1	1
1229.109(b)	(b) The State shall submit a voucher for reimbursement of costs incurred within 30 days of the end of each calendar quarter.	1	4	4
	Delegation Requirements			
1229.120	Obtaining regulatory and policy guidance All activities performed by a State under a delegation must be in full accord with all Federal laws, rules and regulations, and Secretarial and agency determinations and orders relating to the calculation, reporting, and payment of oil and gas royalties. In those cases when guidance or interpretations are necessary, the State will direct written requests for such guidance or interpretation to the appropriate ONRR officials. . . .	1	1	1
1229.121	Recordkeeping requirements (a) The State shall maintain in a safe and secure manner all records, workpapers, reports, and correspondence gained or developed as a consequence of audit or investigative activities conducted under the delegation . . . (b) The State must maintain in a confidential manner all data obtained from DOI sources or from payor or company sources under the delegation . . .	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(c) All records subject to the requirements of paragraph (a) must be maintained for a 6-year period measured from the end of the calendar year in which the records were created . . . Upon termination of a delegation, the State shall, within 90 days from the date of termination, assemble all records specified in subsection (a), complete all working paper files in accordance with § 229.124, and transfer such records to the ONRR. (d) The State shall maintain complete cost records for the delegation in accordance with generally accepted accounting principles. . . .			
1229.122	Coordination of audit activities	1	1	1
	(a) Each State with a delegation of authority shall submit annually to the ONRR an audit workplan specifically identifying leases, resources, companies, and payors scheduled for audit . . A State may request changes to its workplan . . at the end of each quarter of each fiscal year. All requested changes are subject to approval by the ONRR and must be submitted in writing. (b) When a State plans to audit leases of a lessee or royalty payor for which there is an ONRR or OIG resident audit team, all audit activities must be coordinated through the ONRR or OIG resident supervisor. . . . (c) The State shall consult with the ONRR and/or OIG regarding resolution of any coordination problems encountered during the conduct of delegation activities.			
1229.123(b)(3)(i)	Standards for audit activities	1	1	1
	(b)(3) *Standards of reporting.* (i) Written audit reports are to be submitted to the appropriate ONRR officials at the end of each field examination.			
1229.124	Documentation standards	1	1	1
	Every audit performed by a State under a delegation of authority must meet certain documentation standards. In particular, detailed work papers must be developed and maintained.			
1229.125(a) and (b)	Preparation and issuance of enforcement documents	1	1	1
	(a) Determinations of additional royalties due resulting from audit activities conducted under a delegation of authority must be formally communicated by the State, to the companies or other payors by an issue letter prior to any enforcement action. . . . (b) After evaluating the company or payor's response to the issue letter, the State shall draft a demand letter which will be submitted with supporting workpaper files to the ONRR for appropriate enforcement action. Any substantive revisions to the demand letter will be discussed with the State prior to issuance of the letter. . . .			
1229.126(a) and (b)	Appeals	1	1	1
	(a) . . . The State regulatory authority shall, upon the request of the ONRR, provide competent and knowledgeable staff for testimony, as well as any required documentation and analyses, in support of the lessor's position during the appeal process. (b) An affected State, upon the request of the ONRR, shall provide expert witnesses from their audit staff for testimony as well as required documentation and analyses to support the Department's position during the litigation of court cases arising from denied appeals. . . .			
1229.127	Reports from States	1	1	1
	The State, acting under the authority of the Secretarial delegation, shall submit quarterly reports which will summarize activities carried out by the State during the preceding quarter of the year under the provisions of the delegation. . . .			

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
Subtotal Burden for 30 CFR Part 229.		19	19	
Total Burden			213	17,705

III. Request for Comments

Section 3506(c)(2)(A) of the PRA requires each agency to ''* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information that ONRR collects; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a notice in the **Federal Register** on February 5, 2015 (80 FR 6540), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no unsolicited comments in response to the notice.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Public Comment Policy: ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov*. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so.

Dated: August 17, 2015.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2015–20926 Filed 8–24–15; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Silicon-on-Insulator Wafers, DN 3083;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Silicon Genesis Corp. on August 19, 2015. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain silicon-on-insulator wafers. The complaint names as a respondent S.O.I.TEC Silicon on Insulator Technologies, S.A. of France. The complainant requests that the Commission issue a permanent exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov*.

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov*.

relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3083'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS*.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 19, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–20950 Filed 8–24–15; 8:45 am]

BILLING CODE 7020–02–P

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committees on the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence

AGENCY: Advisory Committees on the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence, Judicial Conference of the United States.

ACTION: Revised Notice of Proposed Amendments and Open Hearings.

Federal Register Citations Of Previous Announcements: 80FR 48120 and 80FR 50324

SUMMARY: The Advisory Committees on the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence have proposed amendments to the following rules:

Bankruptcy Rules 1001 and 1006
Evidence Rules 803 and 902

The text of the proposed rules amendments and the accompanying Committee Notes can be found at the United States Federal Courts' Web site at: *http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment.*

All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 14, 2015, but no later than February 16, 2016. Written comments must be submitted electronically, following the instructions provided at the Web site address provided above. In accordance with established procedures, all comments submitted are available for public inspection.

Public hearings are scheduled to be held on these proposed amendments as follows:

- Bankruptcy Rule 1001 and 1006 in Washington, DC on January 22, 2016, and in Pasadena, CA, on January 29, 2016;
- Rules of Evidence 803 and 902 in Phoenix, AZ, on January 6, 2016, and in Washington, DC, on February 12, 2016.

Those wishing to testify should contact the Secretary at the address below in writing at least 30 days before the hearing.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE., Suite 7–240, Washington, DC 20544, Telephone (202) 502–1820.

Dated: August 19, 2015.

Rebecca A. Womeldorf,

Secretary, Committee on Rules of Practice and Procedure, Judicial Conference of the United States.

[FR Doc. 2015–20920 Filed 8–24–15; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies

Notice is hereby given that, on July 27, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Advanced Combustion Catalyst and Aftertreatment Technologies (''AC^{2}AT'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Eberspaecher North America, Inc., Novi, MI, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AC^{2}AT intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, AC^{2}AT filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 30, 2015 (80 FR 24277).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21019 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

U.S. DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on July 20, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Capella University, Minneapolis, MN; Gutenberg Technology, Cambridge, MA; Internet2, Austin, TX; MediaCore, Victoria, British Columbia, CANADA; National Student Clearinghouse, Herndon, VA; New Zealand Ministry of Education, Wellington, NEW ZEALAND; Open University, Milton Keynes, UNITED KINGDOM; Parchment, Scottsdale, AZ; and University of Kentucky, Lexington, KY, have been added as parties to this venture.

Also, Scholastic, New York, NY; University of Glasgow, Glasgow, Scotland, UNITED KINGDOM; Courseload, Indianapolis, IN; and Bridgepoint Education, San Diego, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on May 7, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 4, 2015 (80 FR 31921).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2015–21028 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on August 5, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODVA, Inc. (''ODVA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, E–T–A Elektrotechnische Apparate GmbH, Altdorf, GERMANY; Dialight, Newmarket, UNITED KINGDOM; Beacon Global Technology, ChengDu, PEOPLE'S REPUBLIC OF CHINA; Pico and Tera, Yeongtong-gu, REPUBLIC OF KOREA; Shanghai MRDcom Co., Ltd., Shanghai, PEOPLE'S REPUBLIC OF CHINA; and Mettler-Toledo, Greifensee, SWITZERLAND, have been added as parties to this venture.

Also, Endo Kogyo Co., Ltd., Niigata, JAPAN; Digital Arts Sales Corporation, Baguio City, PHILIPPINES; OES, Inc., London, Ontario, CANADA; CTH Systems Inc., Calgary, Alberta, CANADA; and Adullam Tech., Seongnam-shi, REPUBLIC OF KOREA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on April 14, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 7, 2015 (80 FR 26297).

Patricia A. Brink

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21021 Filed 8–24–15; 8:45 am]

BILLING CODE P

U.S. DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on August 7, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Heterogeneous System Architecture Foundation (''HSA Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Virtual Open Systems, Grenoble, FRANCE; and Luxoft Global Operations GmbH, Zug, SWITZERLAND, have been added as parties to this venture.

Also, Broadcom Corporation, Irvine, CA; and Apical Ltd., London, UNITED KINGDOM, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on May 18, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 8, 2015 (80 FR 32411).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2015–21020 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Die Products Consortium

Notice is hereby given that, on August 3, 2015, pursuant to Section 6(a) of the

National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Die Products Consortium (''DPC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cisco Systems Inc., San Jose, CA, has been added as a party to this venture.

Also, Samsung Electronics, Seoul, REPUBLIC OF KOREA; and LSI Logic Corp., Milpitas, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DPC intends to file additional written notifications disclosing all changes in membership.

On November 15, 1999, DPC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 26, 2000 (65 FR 39429).

The last notification was filed with the Department on November 7, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 9, 2013 (78 FR 73883).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2015–21024 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Clean Diesel VI

Notice is hereby given that, on July 24, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Clean Diesel VI (''Clean Diesel VI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Detroit Diesel, Troy, MI; Komatsu/IPA, Tochigi-ken, JAPAN; and Sasol Technology (PTY), Ltd., Roebank, SOUTH AFRICA have been added as parties to this venture.

Also, Eaton, Marshall, MI has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Clean Diesel VI intends to file additional written notifications disclosing all changes in membership.

On July 16, 2012, Clean Diesel VI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 10, 2012 (77 FR 47882).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21011 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on July 15, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DNAnexus, Mountain View, CA; Millennium Pharmaceuticals, Inc. a wholly owned subsidiary of Takeda Pharmaceutical Company Limited, Cambridge, MA; Tessella, Abingdon, UNITED KINGDOM; and Vermillion Life Sciences Ltd., Colleyland, UNITED KINGDOM, have been added as parties to this venture.

Also, Etzard Stotle (individual member), Arlesheim, SWITZERLAND, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on April 29, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 4, 2015 (80 FR 31920).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21014 Filed 8–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Consortium for NASGRO Development and Support

Notice is hereby given that, on August 5, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Southwest Research Institute: Cooperative Research Group on Consortium for NASGRO Development and Support (''NASGRO'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, GKN Aerospace Sweden AB, Trollhättan, SWEDEN; IHI Corporation, Tokyo, JAPAN; Sierra Nevada Corporation, Centennial, CO; and Hamilton Sundstrand, A United Technologies Company, Windsor Locks, CT, have been added as parties to this venture.

Also, Volvo Aero Corporation, Trollhättan, SWEDEN; and Spirit Aerosystems, Wichita, KS, have withdrawn as parties to this venture. Furthermore, the period of performance has been extended to May 16, 2016.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NASGRO intends to file additional written

notifications disclosing all changes in membership.

On October 3, 2001, NASGRO filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2002 (67 FR 2910).

The last notification was filed with the Department on October 3, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 26, 2011 (76 FR 66324).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21043 Filed 8–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; International Association of Plumbing and Mechanical Officials

Notice is hereby given that, on July 9, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), International Association of Plumbing and Mechanical Officials (''IAPMO'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the nature and scope of IAPMO's standards development activities now includes: To provide minimum requirements to optimize water use practices attributed to the built environment while maintaining protection of the public health, safety, and welfare.

On September 14, 2004, IAPMO filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 29, 2004 (69 FR 69396).

The last notification was filed with the Department on March 11, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 28, 2013 (78 FR 19009).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–21032 Filed 8–24–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Marine Terminal Operations and Longshoring Standards

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Marine Terminal Operations and Longshoring Standards'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 24, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201507-1218-006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Marine Terminal Operations Standard and Longshoring Standard information collection requirements codified, respectively, in regulations 29 CFR parts 1917 and 1918. The Standards contain requirements related to testing, certification, and marking of specific types of cargo lifting appliances and associated cargo handling gear and other cargo handling equipment such as conveyors and industrial trucks. Occupational Safety and Health Act sections 2(b)(9), (6), and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0196.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 21, 2015 (80 FR 29341).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of

publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0196. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Marine Terminal Operations and Longshoring Standards.

OMB Control Number: 1218–0196.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1,396.

Total Estimated Number of Responses: 279,280.

Total Estimated Annual Time Burden: 65,694 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: August 18, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–20965 Filed 8–24–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Fiduciary Correction Program

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Voluntary Fiduciary Correction Program,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 24, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201507-1210-003* (this link will only become active on the day following publication of this notice) or by contacting *Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free* numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Voluntary Fiduciary Correction Program (VFCP) information collection. The VFCP provides a method for voluntary correction of specified types of transactions that violate (or are suspected of violating) Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001 *et seq.,* prohibited transaction provisions and for securing DOL assurance that the agency will take no further action with respect to the corrected transaction. The exemption, under specified conditions, relieves an applicant making a correction under the VFCP of additional taxes due pursuant to Internal Revenue Code section 4975. *See* 26 U.S.C. 4975. ERISA section 502 authorizes this information collection. *See* 29 U.S.C. 1132.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0118.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 17, 2015 (80 FR 34696).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0118. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Voluntary Fiduciary Correction Program.

OMB Control Number: 1210–0118.

Affected Public: Private Sector—businesses or other for profits.

Total Estimated Number of Respondents: 1,800.

Total Estimated Number of Responses: 50,700.

Total Estimated Annual Time Burden: 8,100 hours.

Total Estimated Annual Other Costs Burden: $329,200.

Dated: August 19, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–20966 Filed 8–24–15; 8:45 am]

BILLING CODE 4510–29–P

OFFICE OF MANAGEMENT AND BUDGET

OMB Sequestration Update Report to the President and Congress for Fiscal Year 2016

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the OMB Sequestration Update Report to the President and Congress for FY 2016.

SUMMARY: OMB is issuing the *OMB Sequestration Update Report to the President and Congress for Fiscal Year 2016* to report on the status of the discretionary caps and on the compliance of pending discretionary appropriations legislation with those caps. For fiscal year 2015, the report finds enacted appropriations to be within the spending limits. For fiscal year 2016, the report finds that if the current limits remain unchanged, under OMB's estimates of actions to date by both the House of Representatives and Senate for the 12 annual appropriations bills would result in a sequestration of approximately $3 million and $1 million, respectively, in discretionary programs in the defense category. The report also finds that fiscal year 2016 actions by the House of Representatives for the non-defense category would result in a sequestration of nearly $1.8 billion while OMB's estimate of actions by the Senate for the non-defense category are in compliance with the current spending limit. Finally, the report also contains OMB's Preview Estimate of the Disaster Relief Funding Adjustment for FY 2016.

DATES: *Effective Date: August 20, 2015.* Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires the Office of Management and Budget (OMB) to issue a Sequestration Update Report on August 20th of each year. With regard to this update report and to each of the three required sequestration reports, section 254(b) specifically states the following:

SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the **Federal Register**.

ADDRESSES: The OMB Sequestration Reports to the President and Congress is available on-line on the OMB home page at: *http://www.whitehouse.gov/omb/legislative_reports/sequestration.*

FOR FURTHER INFORMATION CONTACT: Thomas Tobasko, 6202 New Executive Office Building, Washington, DC 20503, Email address: *ttobasko@omb.eop.gov,* telephone number: (202) 395–5745, FAX number: (202) 395–4768. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

Shaun Donovan,

Director.

[FR Doc. 2015–20982 Filed 8–24–15; 8:45 am]

BILLING CODE P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 15–01]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2016 and Countries That Would Be Candidates But For Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(a) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2016. The report is set forth in full below.

Dated: August 18, 2015.

Maame Ewusi-Mensah Frimpong,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on Countries That Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2016 and Countries That Would Be Candidates But for Legal Prohibitions

Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2016 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) the opportunity to reduce poverty and generate economic growth in the country, and (c) the availability of funds to MCC. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

The countries that are ''candidate countries'' for FY 2016 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act); and

The list of countries determined by the Board to be ''eligible countries'' for FY 2016, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility

determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2016

The Act requires the identification of all countries that are candidate countries for FY 2016 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under the terms of the Act, sections 606(a) and (b) set forth the two income tests countries must satisfy to be candidate countries.[1] However for FY 2015, those categories are defined by MCC's FY 2015 appropriations act, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015, Pub L. 113–235, Div. J (the FY 2015 SFOAA). Specifically, the FY 2015 SFOAA used the same definitions that have been used since the FY 2012 appropriations act and defines low income candidate countries as the 75 poorest countries as identified by the World Bank and provided that a country that changes during the fiscal year from low income to lower middle income (or vice versa) will retain its candidacy status in its former income category for the fiscal year and two subsequent fiscal years. Assuming these definitions will be used again in FY 2016, MCC is using them for purposes of this report.[2]

Under the redefined categories, a country will be a candidate country for FY 2016 if it:

Meets one of the following tests:

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($4,125 gross national income per capita for FY 2016); and is among the 75 lowest per capita income countries, as identified by the World Bank; or

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($4,125 gross national income per capita for FY 2016); but is *not* among the 75 lowest per capita income countries as identified by the World Bank;

And

Is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

Due to the provisions requiring countries to retain their former income classification for three fiscal years, changes from the low income to lower middle income categories or vice versa for FY 2016 will go into effect for FY 2019. Countries transitioning to the upper middle income category do not retain their former income classification.[3]

Pursuant to section 606(c) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2016. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2015 under the FY 2015 SFOAA.

Candidate Countries: Low Income Category

Afghanistan
Bangladesh
Benin
Bhutan
Burkina Faso
Burundi
Cambodia
Cameroon
Central African Republic
Chad
Comoros
Congo, Democratic Republic of
Congo, Republic of the
Cote d'Ivoire
Djibouti
Egypt
Ethiopia
Gambia
Georgia
Ghana
Guatemala
Guinea
Guinea-Bissau
Guyana
Haiti
Honduras
India
Indonesia
Kenya
Kiribati
Kyrgyz Republic
Lao PDR
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Micronesia
Moldova
Mozambique
Nepal
Nicaragua
Niger
Nigeria
Pakistan
Papua New Guinea
Philippines
Rwanda
Sao Tome and Principe
Senegal
Sierra Leone
Solomon Islands
Somalia
Sri Lanka
Tajikistan
Tanzania
Timor Leste
Togo
Uganda
Uzbekistan
Vanuatu
Vietnam
Yemen
Zambia

Candidate Countries: Lower Middle Income Category

Armenia
Cabo Verde
El Salvador
Kosovo
Morocco
Samoa
Swaziland
Ukraine

Countries That Would Be Candidate Countries But for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for FY 2016, but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other

[1] Sections 606(a) and (b) of the Act provide that a country will be a candidate country for purposes of eligibility if it (1) has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (the ''low income category'') or (2) is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (the ''lower middle income category''); and is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

[2] If the language relating to the definition of low income candidate countries is not enacted or is changed for MCC's FY 2016 appropriations act, MCC will revisit the selection process once the FY 2016 appropriations act is enacted and will conduct the selection process in accordance with the Act and applicable provisions for FY 2016.

[3] In FY 2014, the World Bank revised its estimates for Iraq's gross domestic product per capita and more than doubled its previous estimate. This caused Iraq to transition from a low income country to an upper middle income country without the benefit of gradual reclassification. There is a similar situation for FY 2016 with Mongolia, which has now graduated to upper middle income status as well, after having been a low income candidate country as recently as FY 2015. The removal of Iraq and Mongolia from the low income and lower middle income categories means that there are only 73 low income countries for FY 2016 (eight of which are legally prohibited).

provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 21, 2015.

Prohibited Countries: Low Income Category

Bolivia is subject to foreign assistance restrictions pursuant to section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub. L. 107–228), regarding adherence to obligations under international counternarcotics agreements and other counternarcotics measures.

Burma is subject to foreign assistance restrictions, including restrictions pursuant to section 570 of the FY 1997 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. 104–208) which prohibits assistance to the government of Burma until it makes measurable and substantial progress in improving human rights practices and implementing democratic governance.

Eritrea is subject to foreign assistance restrictions, including restrictions due to its status as a Tier III country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

North Korea is subject to foreign assistance restrictions, including restrictions pursuant to section 7007 of the FY 2015 SFOAA, which prohibits direct assistance to the government of North Korea.

South Sudan is subject to foreign assistance restrictions pursuant to section 7042(j)(2) of the FY 2015 SFOAA, which prohibits, with limited exceptions, assistance to the central government of South Sudan until the Secretary of State certifies and reports to Congress that such government is taking steps to provide access for humanitarian organizations; end the use of child soldiers; support a cessation of hostilities agreement; protect freedoms of expression, association, and assembly; reduce corruption related to the extraction and sale of oil and gas; and establish democratic institutions, including accountable military and police forces under civilian authority.

Sudan is subject to foreign assistance restrictions, including restrictions pursuant to section 7042(k) of the FY 2015 SFOAA, which prohibits (with limited exceptions) assistance to the government of Sudan.

Syria is subject to foreign assistance restrictions, including restrictions pursuant to section 7007 of the FY 2015 SFOAA, which prohibits direct assistance to the government of Syria.

Zimbabwe is subject to foreign assistance restrictions, including restrictions pursuant to section 7042(m)(2) of the FY 2015 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2016.

[FR Doc. 2015–20878 Filed 8–19–15; 4:15 pm]

BILLING CODE 9211–03–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–060]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide agencies with mandatory instructions for what to do with records when agencies no longer need them for current Government business. The instructions authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records not previously authorized for disposal or to reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: NARA must receive requests for copies in writing by September 24, 2015. Once NARA appraises the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR); 8601 Adelphi Road, College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Management Services (ACNR); National Archives and Records Administration; 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media-neutral unless otherwise specified. An item in a schedule is media-neutral when an agency may apply the disposition instructions to records regardless of the medium in which it has created or maintains the records. Items included in schedules submitted to NARA on or after

December 17, 2007, are media-neutral unless the item is specifically limited to a specific medium. (See 36 CFR 1225.12(e).)

No agencies may destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice states that the schedule has agency-wide applicability (in the case of schedules that cover records that may be accumulated throughout an agency) or lists the organizational unit(s) accumulating the records, provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction), and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of the Army, Agency-wide (DAA–AU–2014–0029, 5 items, 5 temporary items). Records relating to human resources management including financial documents, photographs, and general personnel action files.

2. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2014–0035, 1 item, 1 temporary item). Mechanical engineering drawings of tools and tool design.

3. Department of Defense, National Geospatial-Intelligence Agency (DAA–0537–2014–0002, 2 items, 2 temporary items). Records include preliminary oversight investigative files and quarterly reports.

4. Department of Defense, Office of the Secretary of Defense (DAA–0330–2014–0020, 6 items, 1 temporary item). Reference files of the Defense POW/MIA Accounting Agency. Proposed for permanent retention are case files, witness files, camp files, thematic subject files, and audiovisual records.

5. Department of Energy, Agency-wide (DAA–0434–2015–0005, 3 items, 3 temporary items). Records relating to processing security clearances and access authorizations.

6. Department of Justice, Criminal Division (DAA–0060–2015–0004, 5 items, 5 temporary items). Program records related to asset forfeiture and equitable sharing administration.

7. Department of Labor, Office of the Secretary and Deputy Secretary (DAA–0174–2014–0011, 2 items, 2 temporary items). Generic letters received in reaction to special issues or events. Also included are related working papers.

8. Department of the Treasury, Internal Revenue Service (DAA–0058–2015–0005, 1 item, 1 temporary item). Document transmittal form used in routine processing of taxpayer liability agreements.

9. Consumer Financial Protection Bureau, Division of Research, Markets, & Regulations (DAA–0587–2015–0002, 11 items, 8 temporary items). Records include rulemaking and publications development records, informal internal regulatory guidance, third-party publications and data, and background material. Proposed for permanent retention are public rulemaking dockets, interpretations of laws and regulations, and official research publications.

10. National Archives and Records Administration, Research Services (N2–84–15–1, 1 item, 1 temporary item). Non-record materials relating to records of Foreign Service Posts of the Department of State. These materials were accessioned to the National Archives but lack sufficient historical value to warrant continued preservation.

Dated: August 19, 2015.

Paul M. Wester, Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2015–21075 Filed 8–24–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings

The National Science Board's *ad hoc* Committee on Nominations for the NSB Class of 2016–2022, 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 in regard to the scheduling of a meeting for the transaction of National Science Board business, as follows:

TIME AND DATE: Monday, August 31, 2015 at 2–3 p.m. EDT.

MATTERS TO BE CONSIDERED: Committee chair's remarks, conflict of interest policy and application to committee, discussion of nominations process for the NSB class of 2016–2022, timeline and date to open nominations.

STATUS: Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Please refer to the National Science Board Web site (*www.nsf.gov/nsb*) for information or schedule updates, or contact: Brandon Powell (*bjpowell@nsf.gov*), National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Kyscha Slater-Williams,

Program Specialist.

[FR Doc. 2015–21181 Filed 8–21–15; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Wednesday, September 9, 2015.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

8721 Aircraft Accident Report—Runway Overrun During Rejected Takeoff, Gulfstream Aerospace Corporation G–IV, N121JM, Bedford, Massachusetts, May 31, 2014, and Safety Alert—Flight Control Locks: Overlooking the Obvious.

News Media Contact: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314–6305 or by email at *Rochelle.Hall@ntsb.gov* by Wednesday, September 2, 2015.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR FURTHER INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

For Media Information Contact: Peter Knudson at (202) 314–6100 or by email at *peter.knudson@ntsb.gov.*

Dated: Friday, August 21, 2015.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2015–21073 Filed 8–21–15; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0129]

Information Collection: Domestic Licensing of Source Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of the Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is titled, ''10 CFR part 40, Domestic Licensing of Source Material'' (3150–0020). The NRC regulations that are the subject of this information collection establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source material. Information concerning the annual estimated burdens associated with the recordkeeping, reporting, and third party notification requirements imposed by these regulations is provided in the Supporting Statement for 10 CFR part 40 Domestic Licensing of Source Material.

DATES: Submit comments by October 26, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0129. 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: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0129 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–2015–0129.
- 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 supporting statement is available in ADAMS under Accession ML15149A100.
- 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.
- NRC's Clearance Officer: A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information. If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* ''10 CFR part 40, Domestic Licensing of Source Material.''
2. *OMB approval number:* 3150–0020.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion. Reports required under Part 40 of Title 10 of the *Code of Federal Regulations* (10 CFR) are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications need to be submitted every 5 to 10 years. Information in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.
6. *Who will be required or asked to respond:* Applicants for and holders of NRC licenses authorizing the receipt, possession, use, or transfer of radioactive source material.
7. *The estimated number of annual responses:* 1,286 (368 [188 NRC responses + 178 recordkeepers + 2 third party responses] + 918 [200 Agreement States responses + 717 recordkeepers + 1 third party response]).
8. *The estimated number of annual respondents:* 160 (50 NRC licensees + 110 Agreement States licensees).
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 10,425 (5,036 NRC Licensees hours [2,773 reporting + 2,257 recordkeeping + 6 third party response] + 5,389 Agreement States licensees' hours [1,709 reporting + 3,677 recordkeeping + 3 third party response]).
10. *Abstract:* 10 CFR part 40 establishes requirements for licenses for the receipt, possession, use, and transfer

of radioactive source material. The application, reporting, recordkeeping, and third party notification requirements are necessary to permit the NRC to make a determination as to whether the possession, use, and transfer of source and byproduct material is in conformance with the Commission's regulations for protection of public health and safety.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 20th day of August 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–20998 Filed 8–24–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0198]

Design of Structures, Components, Equipment, and Systems, and Reactor Coolant System and Connected Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on the following sections in Chapter 3, ''Design of Structures, Components, Equipment, and Systems Reactor Coolant System and Connected Systems,'' and Chapter 5, ''Reactor Coolant System and Connected Systems,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 3.2.1, ''Seismic Classification,'' Section 3.2.2, ''System Quality Group Classification,'' Section 3.6.2, ''Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping,'' Section 3.9.1, ''Special Topics for Mechanical Components,'' Section 3.10, ''Seismic and Dynamic Qualification of Mechanical and Electrical Equipment,'' Section 5.2.1.1, ''Compliance with the Codes and Standards Rule,'' Section 5.2.1.2, ''Applicable Code Cases,'' and Branch Technical Position (BTP) 3–4, ''Applicable Code Cases.''

DATES: Comments must be filed no later than October 26, 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–2015–0198. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark Notich, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov* or Nishka Devaser, telephone: 301–415–5196; email: *Nishka.Devaser@nrc.gov,* both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0198 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0198.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this notice entitled, Availability of Documents.
- 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–2015–0198 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NRC seeks public comment on the proposed draft revisions of Standard Review Plan (SRP) Sections 3.2.1, 3.2.2, 3.6.2, 3.9.1, 3.10, 5.2.1.1, 5.2.1.2, and BTP 3–4. These sections have been developed to assist NRC staff's review the design of structures, components, equipment, and systems, as well as assess compliance with codes, standards, and code cases for the reactor coolant system and connected systems under parts 50 and 52 of Title 10 of the

*Code of Federal Regulation*s (10 CFR). The revisions to these SRP sections reflect no changes in staff position; rather they clarify the original intent of these SRP sections using plain language throughout in accordance with the NRC's Plain Writing Action Plan. Additionally, these revisions reflect operating experience, lessons learned, and updated guidance since the last revision, and address the applicability of regulatory treatment of non-safety systems where appropriate.

Following NRC staff's evaluation of submitted comments, the NRC intends to finalize the proposed revisions of SRP Sections 3.2.1, 3.2.2, 3.6.2, 3.9.1, 3.10, 5.2.1.1, 5.2.1.2, and BTP 3–4 in ADAMS and post them on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.*

III. Availability of Documents

The ADAMS accession numbers for the current revisions, proposed draft revisions, and redline strikeouts comparing current revisions and the proposed revisions of individual sections are available in ADAMS under the following accession numbers:

SRP Section	Current revision ADAMS accession No.	Proposed revision ADAMS accession No.	Redline ADAMS accession No.
Section 3.2.1, ''Seismic Classification''	Revision 2 (ML063190002) ...	Revision 3 (ML14227A643) ...	ML14198A162
Section 3.2.2, ''System Quality Group Classification''	Revision 2 (ML063190003) ...	Revision 3 (ML14227A641) ...	ML14198A145
Section 3.6.2, ''Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping''.	Revision 2 (ML070660494) ...	Revision 3 (ML14230A035) ...	ML14198A166
Section 3.9.1, ''Special Topics for Mechanical Components''	Revision 3 (ML070430402) ...	Revision 4 (ML14227A637) ...	ML14198A150
Section 3.10, ''Seismic and Dynamic Qualification of Mechanical and Electrical Equipment''.	Revision 3 (ML070720037) ...	Revision 4 (ML14227A631) ...	ML14198A171
Section 5.2.1.1, ''Compliance with the Codes and Standards Rule, 10 CFR 50.55a''.	Revision 3 (ML070040003) ...	Revision 4 (ML14227A623) ...	ML14198A155
Section 5.2.1.2 , ''Applicable Code Cases''	Revision 3 (ML070040004) ...	Revision 4 (ML14227A659) ...	ML14198A172
Branch Technical Position 3–4, ''Applicable Code Cases''	Revision 2 (ML070800008) ...	Revision 3 (ML14227A646) ...	ML14198A126

IV. Backfitting and Issue Finality

Issuance of these draft SRP sections does not constitute backfitting as defined in 10 CFR 50.109, nor is it inconsistent with any of the issue finality provisions in 10 CFR part 52. These draft SRP sections do not contain any new requirements for COL applicants or holders under 10 CFR part 52, or for licensees of existing operating units licensed under 10 CFR part 50. Rather, it contains additional draft guidance and clarification on staff review of Preliminary Amendment Requests.

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

The NRC staff does not, at this time, intend to impose the positions represented in the draft SRP sections in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 14th day of August, 2015.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2015–21074 Filed 8–24–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75739; File No. SR–NASDAQ–2015–101]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter XV, Section 3 Entitled ''NASDAQ Options Market—Access Services''

August 19, 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 13, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to waive SQF Port [3] Fees under certain circumstances for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] SQF ports are ports that receive inbound quotes at any time within that month. The SQF Port allows a NOM Participant to access information such as execution reports and other relevant data through a single feed. For example, this data would show which symbols are trading on NOM and the current state of an options symbol (*i.e.,* open for trading, trading, halted or closed). Auction notifications and execution reports are also available. NOM Market Makers rely on data available through the SQF Port to provide them the necessary information to perform market making activities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to offer NOM Participants that transition from OTTO Ports to SQF Ports [4] an SQF Port Fee waiver for that given month. Today, the Exchange assesses a $750.00 per port, per month, per mnemonic fee for OTTO Ports and SQF Ports. The Exchange is proposing to amend chapter XV, section 3(b) to provide, ''NOM Participants will not be assessed an SQF Port Fee in the month in which the NOM Participant has canceled an OTTO Port and transitioned to an SQF Port. In order to receive the waiver, the Participant is required to provide the Exchange with written notification of the transition.''

The Exchange seeks to incentivize NOM Market Makers to transition from OTTO to SQF Ports by providing a waiver of the SQF Port Fee in the month in which such transition occurs.[5] The NOM Participant must provide the Exchange with written notification to receive the waiver. By way of example, if a NOM Market Maker has 5 OTTO Ports as of August 1, 2015 and decides to cancel the 5 OTTO Ports on August 20, 2015 and acquire 5 SQF Ports, provided written notice of such transition was received by the Exchange, the NOM Participant will be invoiced $3,750 for the 5 OTTO Ports (5 x $750) and $0 for the 5 new SQF Ports for the month of August 2015.

NOM Market Makers utilize OTTO and SQF ports for their market making business, which require a greater throughput as compared to the other ports. The Exchange believes that by offering this SQF Port Fee waiver a greater number of NOM Market Makers will transition to SQF Ports, which offers a more robust protocol.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[6] in general, and with section 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to incentivize NOM Participants to transition from OTTO Ports to SQF Ports by offering a waiver of the SQF Port Fee is reasonable because the Exchange believes that SQF Ports provides NOM Market Makers greater benefits in performing their market making functions by offering more robust protocols. Also, NOM Participants will benefit from the ability to make this transition without incurring SQF and OTTO Port fees in a single month; they will only incur OTTO Port Fees, provided the proper notice is provided to the Exchange.

The Exchange's proposal to incentivize NOM Participants to transition from OTTO Ports to SQF Ports by offering a waiver of the SQF Port Fee is equitable and not unfairly discriminatory because the Exchange is offering all NOM Market Makers the opportunity to transition from OTTO Ports to SQF Ports without incurring an SQF Port Fee, provided the proper written notification is provided to the Exchange. NOM Market Makers are valuable market participants that provide liquidity in the marketplace and incur costs unlike other market participants because NOM Market Makers add value through continuous quoting [8] and the commitment of capital. NOM Market Makers provide a critical liquidity function across thousands of individual option puts and option calls, a function no other market participants are obligated to perform. The Exchange believes that offering the SQF Port Fee waiver to NOM Market Makers is equitable and not unfairly discriminatory because of the obligations [9] borne by NOM Market Makers as compared to other market participants. Encouraging NOM Market Makers to transition to the more robust SQF Port benefits all market participants because NOM Market Makers provide a critical liquidity function which adds greater liquidity benefits for all NOM Participants in the quality of order interaction and enhanced execution quality.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Offering NOM Market Makers the opportunity to transition from OTTO Ports to SQF Ports, at no additional cost, does not impose any undue burden on intra-market competition because NOM Market Makers have obligations [10] to the market which are not borne by other market participants. NOM Market Makers provide a critical liquidity function across thousands of individual option puts and option calls, a function no other market participants are obligated to perform. The Exchange does not believe that offering NOM Market Makers the opportunity to transition from OTTO Ports to SQF Ports at no additional cost imposes an undue burden on inter-market competition because other options exchanges similarly offer NOM Market Makers the ability to obtain the necessary information to perform market making activities.[11]

The Exchange operates in a highly competitive market in which many sophisticated and knowledgeable market participants can readily and do send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. These market forces ensure that the Exchange's fees and rebates remain competitive with the fee structures at other trading platforms.

[4] OTTO provides a method for subscribers to send orders and receive status updates on those orders. OTTO accepts limit orders from system subscribers, and if there is a matching order, the orders will execute. Non-matching orders are added to the limit order book, a database of available limit orders, where they are matched in price-time priority.

[5] OTTO Ports fees will still apply for the month in which the NOM Participant transitions to SQF Ports.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Pursuant to Chapter VII (Market Participants), Section 5 (Obligations of Market Makers), in registering as a market maker, an Options Participant commits himself to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all Market Makers are designated as specialists on NOM for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

[9] *See* note 8.

[10] *See* note 8.

[11] NASDAQ OMX PHLX LLC (''Phlx'') and NASDAQ OMX BX, Inc. (''BX'') offer SQF Ports to its market makers. *See* Phlx's Pricing Schedule and BX Rules at Chapter XV, Section 3.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act.[12] 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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–101 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–101. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–101 and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assitant Secretary.

[FR Doc. 2015–20933 Filed 8–24–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, August 27, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: August 20, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21079 Filed 8–21–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75740; File No. SR–NYSE–2015–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Section 907.00 of the Listed Company Manual (the ''Manual'') To (i) Amend the Suite of Complimentary Products and Services That Are Offered to Certain Current and Newly Listed Companies, (ii) Update the Value of Complimentary Products and Services Offered to Listed Companies, and (iii) Provide That Complimentary Products and Services Would Also Be Offered to Companies that Transfer Their Listing to the Exchange From Another National Securities Exchange

August 19, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 11, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend section 907.00 of the listed company manual (the ''manual'') [sic] to (i)

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

amend the suite of complimentary products and services that are offered to certain current and newly listed companies, (ii) update the value of complimentary products and services offered to listed companies, and (iii) provide that complimentary products and services would also be offered to companies that transfer their listing to the exchange [sic] from another national securities exchange. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In December 2013, The [sic] Exchange adopted a rule to expand the suite of complimentary products and services that it offers to certain current and newly listed companies on the Exchange. Under this rule, certain companies currently listed on the Exchange (''Eligible Current Listings'') are offered a suite of complimentary products and services that varies depending on the number of shares of common stock or other equity security that a company has outstanding. Similarly, the Exchange presently offers a suite of complimentary products and services to (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 102.01 or 103.00 of the Manual for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering, and (ii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), or carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering) (collectively, ''Eligible New Listings'').

Based on the Exchange's experience offering complimentary products and services to Eligible Current Listings and Eligible New Listings, the Exchange now proposes to amend Section 907.00 of the Manual to (i) amend the suite of complimentary products and services that are offered to Eligible Current Listings and Eligible New Listings, and (ii) update the value of complimentary products and services offered to such companies. The Exchange will further amend Section 907.00 of the Manual to specify that certain companies that transfer their listing of common stock or equity securities to the Exchange from another national securities exchange (''Eligible Transfer Companies'') will be eligible to receive an enhanced package of complimentary products and services that is comparable to the package offered to Eligible New Listings. Currently, companies that transfer their listing to the Exchange are offered complimentary products and services on the same terms as Eligible Current Listings.

The Exchange proposes to update the approximate commercial values of the products and services it presently offers to Eligible Current Listings and Eligible New Listings. Based on conversations with the vendors, the Exchange believes that the updated values would more accurately reflect the cost associated with providing these products and services. Accordingly, the approximate commercial value of market surveillance products and services would change from $45,000 to $55,000 per annum, the approximate commercial value of corporate governance tools would change from $20,000 to $50,000 per annum, the approximate commercial value of web-hosting products and services would change from a range of $12,000–16,000 to $16,000 per annum, the approximate commercial value of market analytics products and services would change from $20,000 to $30,000 per annum and the approximate commercial value of news distribution products and services would change from $10,000 to $20,000 per annum.

The Exchange also proposes to add whistleblower hotline services (with a commercial value of approximately $4,000 annually) to the list of services that it offers to all listed companies for a period of 24 months. The Exchange believes that having a whistleblower hotline service is an essential component of good corporate governance and providing this service to all listed companies would assist them in complying with, among other things, the requirements of the Sarbanes-Oxley Act, Foreign Corrupt Practices Act and UK Bribery Act.

The Exchange also proposes to include web-casting services (with a commercial value of approximately $6,500 annually) as a separate category of complimentary products and services offered to certain issuers.[4] Web-casting services are an important tool utilized by listed companies in connection with their quarterly earnings release process. Accordingly, the Exchange believes that offering web-casts to certain issuers would assist them in engaging with their shareholders and effectively disclosing information in connection with their quarterly earnings releases.

The Exchange further proposes to amend Section 907.00 of the Manual to remove data room services and virtual investor relation tools as a complimentary product offered to all listed companies. Since such products were first offered by the Exchange, very few listed companies have requested to receive them. Based on this extremely low demand, therefore, the Exchange believes it is appropriate to discontinue these offerings. The Exchange proposes to replace these discontinued products by offering a whistleblower hotline for a period of 24 calendar months which, for the reasons stated above, it believes will be more useful to listed companies. In addition, all listed companies will continue to be eligible for some level of complimentary products and services via the Exchange's Market Access Center.

Currently, all listed issuers receive some complimentary products and services through NYSE Market Access Center. The Exchange also offers Eligible Current Listings a suite of products and services that varies based on the number of shares such companies have issued and outstanding. Eligible Current Listings that have more than 270 million shares issued and outstanding (each a ''Tier One Eligible Current Listing'') are presently offered (i) a choice of market surveillance, corporate governance tools and advisory services or market analytics products and services, and (ii) web-hosting products and services, on a complimentary basis. Eligible Current Listings that have between 160 million and 269.9 million shares issued and outstanding (each a ''Tier Two Eligible Current Listing'') are presently offered a

[4] The web-hosting product offered by the Exchange provides eligible issuers with a Web site containing business content that can be viewed by investors. Web-casting services enable companies to host interactive Web-casts to communicate with investors. Eligible companies will receive four interactive Web-casts each year.

choice of market analytics, corporate governance tools or web-hosting products and services. The Exchange proposes to amend Section 907.00 to delete corporate governance tools and advisory services from the suite of products offered to a Tier One Eligible Current Listing and corporate governance tools from the suite of products offered to a Tier Two Eligible Current Listing. In both cases, the Exchange proposes to replace the deleted service with web-casting products and services. Based on conversations with Tier One and Two Eligible Current Listings, the Exchange has learned that the corporate governance services currently offered are not as helpful to these more established companies as they are to newly listed companies that are developing their corporate governance policies and procedures. Accordingly, the Exchange proposes to discontinue offering its corporate governance product to Tier One and Two Eligible Current Listings due to low demand for the service. For the reasons stated above, the Exchange believes Eligible Current Listings would find web-casting services to be more useful to them than the existing suites of corporate governance offerings.

The Exchange currently offers Eligible New Listings different products and services based on such companies' global market value. Eligible New Listings with a global market value of $400 million or more (each a ''Tier A Eligible New Listing'') are presently offered (i) market surveillance products and services for a period of 12 calendar months from the date of listing or (ii) a choice of market analytics products and services or corporate governance tools for a period of 24 calendar months from the date of listing. Eligible New Listings with a global market value of less than $400 million (each a ''Tier B Eligible New Listing'') are presently offered web-hosting and news distribution products and services for a period of 24 months from the date of listing. The Exchange proposes to amend Section 907.00 to provide that, in addition to the currently offered market surveillance products and services, Tier A Eligible New Listings would be offered market analytics, web-hosting, web-casting, corporate governance tools, and news distribution products and services, in each case, for a period of 24 calendar months. Because the Exchange will offer each of these services to Tier A Eligible New Listings for a period of 24 months, it proposes to delete text from Section 907.00 that discusses providing certain services for only 12 months as well as options for continuing such services at the end of the initial 12 month period.

The Exchange also proposes to amend Section 907.00 to provide that, in addition to the currently offered web-hosting and news distribution products and services, Tier B Eligible New Listings would be offered web-casting, market analytics and corporate governance tools, in each case, for a period of 24 calendar months.

The Exchange believes that it is appropriate to expand the suite of complimentary products and services it offers to Tier A and Tier B Eligible New Listings because such companies are listing on the Exchange for the first time and frequently have greater needs with respect to developing their corporate governance and shareholder outreach capabilities. Further, the Nasdaq Stock Market (''Nasdaq'') offers comparable complimentary products and services to newly listed companies and the Exchange believes that the proposed changes would enable the Exchange to compete for new listings.[5]

The Exchange faces competition in the market for listing services. As part of this competition, the Exchange seeks to entice Nasdaq-listed companies to transfer their listing to the Exchange. Similarly, Nasdaq seeks to entice Exchange-listed companies to transfer to Nasdaq. The Exchange believes that one way Nasdaq seeks to entice Exchange-listed companies to transfer to Nasdaq is to offer such companies a suite of complimentary products and services that they do not currently receive on the Exchange.[6] For example, Nasdaq offers transfer companies a package of complimentary products and services on the same terms that it offers such package to new listings.[7] Because the Exchange believes that Nasdaq's approach may incentivize a company to transfer its listing, the Exchange proposes to amend Section 907.00 of the Manual to enhance the package of complimentary products and services offered to Eligible Transfer Companies beyond the package that transfer companies are currently eligible to receive as Eligible Current Listings. As revised, Section 907.00 of the Manual will entitle Eligible Transfer Companies to receive a package of complimentary products and services on largely the same terms as it offers such packages to Eligible New Listings.[8] The one difference between the packages that the Exchange proposes to offer to Eligible Transfer Companies and Eligible New Listings is that the Exchange will not offer corporate governance tools to Eligible Transfer Companies. As described herein, in the Exchange's experience such tools are not as useful for established companies (which all Eligible Transfer Companies would presumably be) as they are for newly listed companies.

The specific tools and services offered by the products discussed herein will be developed by the Exchange or by third-party vendors. NYSE Governance Services[9] will offer and develop the

[5] Pursuant to Nasdaq Stock Market Rule IM–5900–7, Nasdaq offers newly listed companies a complimentary package of services that includes whistleblower hotline, investor relations Web site, press releases, interactive web-casting, market analytics tools and, depending on a company's size, market surveillance tools. This suite of products in this package is comparable to the suite that the Exchange proposes to offer as described herein.

[6] Under this proposed rule change, the Exchange will offer Tier One Currently Listed Companies a package of complimentary products and services with a maximum value of $77,500. Tier Two Currently Listed Companies will be offered a package of complimentary products and services with a maximum value of $30,000 per year. By comparison, Nasdaq currently offers a suite of complimentary products and services valued at $125,500 per year for three years to transfer companies with a market capitalization of $750 million or more and a suite of complimentary products and services valued at $70,500 per year for two years to transfer companies with a market capitalization less than $750 million. Although the Exchange offers its packages to Eligible Current Listings indefinitely, it is worth noting that, due to the eligibility requirements to be deemed an Eligible Current Listing (*i.e.* shares issued and outstanding), approximately 60% of companies currently listed on the Exchange do not qualify for any additional complimentary products and services beyond the basic package that is offered to all listed companies. Conversely, because Nasdaq has no such minimum outstanding share requirement, any Exchange-listed company that transfers to Nasdaq is entitled, at a minimum to $70,500 in complimentary products and services per year for a period of two years.

[7] See Footnote 4 [sic], *infra,* [sic] for a description of the complimentary products and services that Nasdaq offers to newly listed companies. Nasdaq offers these same packages to companies that transfer from the Exchange to Nasdaq.

[8] Because the Exchange proposes to offer Eligible Transfer Companies a package of complimentary products and services comparable to the package that it offers to Eligible New Listings, the Exchange will utilize the same metric, *i.e.,* global market value, to determine eligibility for each designation so as to avoid confusion. Currently, transfer companies may receive complimentary products and services if they qualify to be designated as an Eligible Current Listing, such designation being based on the number of outstanding shares of a company's equity securities. Under the proposed rule change, Eligible Transfer Companies with a global market value of $400 million or more will be eligible to receive a suite of complimentary products and services valued at $127,500 per year for two years and Eligible Transfer Companies with a global market value of less than $400 million will be eligible to receive a suite of complimentary products and services valued at $72,500 per year for two years.

[9] The Exchange believes that NYSE Governance Services is not a ''facility'' of the Exchange. 15 U.S.C. 78c(a)(2). The Act defines ''facility'' to include an exchange's ''premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property

Continued

corporate governance tools discussed herein, but will not provide any other service discussed herein. NYSE Governance Services is an entity that is owned by the Exchange's parent company and is a leading provider of corporate governance, risk and compliance services to a diverse set of customers, including, among others, companies listed on the Exchange. Companies that are offered these products are under no obligation to accept them and a company's listing on the Exchange is not conditioned upon acceptance of any product or service. The Exchange notes that, from time to time, companies elect to purchase products and services from other vendors at their own expense rather than accepting comparable products and services offered by the Exchange.

The Exchange has learned that companies listing on the Exchange for the first time often require a period of time after listing to complete the contracting and training process with vendors providing the complimentary products and services. Therefore, many companies are not able to begin using the suite of products offered to them immediately on the date of listing. To address this issue, the Exchange proposes to amend Section 907.00 to specify that if an Eligible New Listing or Eligible Transfer Company begins using a particular service within 30 days after the date of listing, the complimentary period begins on such date of first use. In all other instances, the complimentary period will begin on the listing date.

Lastly, the Exchange proposes to amend Section 907.00 to change the term ''newly listed issuer'' to ''Eligible New Listing'' and give such new term the definition it is given herein. Separately, because the Exchange proposes to offer an enhanced package of complimentary products and services to Eligible Transfer Companies (as opposed to the more limited package that transfer companies currently receive if they qualify as an Eligible Current Listing), the Exchange proposes to amend Section 907.00 to include a definition for such category of listed companies. Throughout the entirety of Section 907.00 of the Manual, the Exchange proposes to change the term ''currently listed issuers'' to ''Eligible Current Listings.''[10] As transfer companies will no longer be treated on the same terms as Eligible Current Listings, but will instead receive complimentary products and services as a separate category of issuer under the proposed rule, the Exchange does not believe there could be any inference that a transfer company is included in the definition of Eligible New Listing. Therefore, the Exchange proposes to delete obsolete text to this effect from Section 907.00.

The Exchange also proposes to amend the first paragraph of Section 907.00 of the Manual to specify that it will offer certain complimentary products and services and access to discounted third-party products and services through the NYSE Market Access Center to both currently and newly listed issuers, whereas previously it stated such services were only offered to currently listed issuers.

The Exchange will implement the proposed rule upon approval. Any Eligible New Listing that listed on the Exchange prior to approval of the proposed rule will continue to receive services under the terms of the current rule. Therefore, for as long as any Eligible New Listing is receiving services under the terms of Section 907.00 of the Manual as currently in effect, the Exchange will maintain a link[11] to such section in the Introductory Note to Section 907.00.

With respect to Eligible Current Listings, such companies will be offered Web-casting and whistleblower services as described herein from the date of approval. Further, as discussed above, the Exchange proposes to discontinue offering complimentary corporate governance services to Eligible Current Listings due to a low demand for that product. Notwithstanding the approval of the proposed rule change, however, to the extent that the Exchange has already paid a third-party provider (prior to approval) for corporate governance services to an Eligible Current Listing, such complimentary service will continue until the payments run out. Once any pre-approval payments run out, such services will be discontinued. The Exchange expects all corporate governance services to Eligible Current Listings to be completely discontinued no later than early 2016.

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4)[13] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)[14] of the Act in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is reasonable to offer complimentary products and services to attract new listings, retain currently listed issuers, and respond to competitive pressures. The Exchange faces competition in the market for listing services and it competes, in part, by improving the quality of the services that it offers to listed companies. By offering products and services on a complimentary basis and ensuring that it is offering the services most valued by its listed issuers, the Exchange will improve the quality of the services that listed companies receive.

The Exchange believes it is appropriate to expand the suite of complimentary products and services offered to Tier A and Tier B Eligible New Listings and to offer such complimentary products and services to Tier A and Tier B Eligible Transfer Companies because such services will ease the transition of companies that are becoming public for the first time or transferring their listing to a new exchange. Further, Nasdaq offers a comparable suite of complimentary products and services to new listings and transfers and the proposed rule change will enable the Exchange to more effectively compete for listings.

The Exchange believes it is appropriate to remove corporate governance services from the list of complimentary products and services that it offers to Tier One and Tier Two Eligible Current Listings and to not offer such services to Eligible Transfer Companies because, as described herein, such services are less beneficial

or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system or communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.'' NYSE Governance Services is a distinct entity that is separate from the Exchange and engages in a discrete line of business that is not ''for the purpose of effecting or reporting a transaction'' on an exchange. While this proposal is being filed with the Commission under Section 19(b)(2) of the Act because it relates to services offered in connection with a listing on the Exchange, the Exchange does not believe it is required to file NYSE Governance Services' price schedule or changes that do not relate to services offered in connection with a listing on the Exchange.

[10] As described above in the definition of ''Eligible Current Listing,'' in order to qualify for such designation, a company must have equity securities listed on the Exchange.

[11] *https://www.nyse.com/get-started/reference.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

to established companies than they are to Eligible New Listings. Further, very few Tier One and Tier Two Eligible Current Listings presently seek to receive such services.

The Exchange believes that its proposal to enhance the package of complimentary products and services that it offers to Eligible Transfer Companies from the suite such companies are currently offered as Eligible Current Listings is consistent with Sections 6(b)(8) [15] of the Act in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As described above, the Exchange competes with Nasdaq for listings. Currently, Nasdaq offers the same suite of complimentary products and services to new listings as it does to listings that transfer to its market. The Exchange believes, therefore, that its proposal to more closely align [16] the suite of complimentary products and services that it offers Eligible New Listings and Eligible Transfer Companies will enhance its ability to compete with Nasdaq by enabling it to offer transfers from Nasdaq a similar package to that currently offered to Exchange companies by Nasdaq.

With respect to the addition of Web-casting as a product offered to each tier of Eligible Current Listings, Eligible New Listings and Eligible Transfer Companies, the Exchange believes that it is reasonable to offer this product because listed companies have indicated to the Exchange that such Web-casting products would be beneficial to their shareholder outreach initiatives.

Lastly, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to offer complimentary whistleblower services to all companies listed on the Exchange in lieu of data room services and virtual investor relation tools for which there was very little demand. Companies are not forced or required to utilize the complimentary products and services as a condition of listing. All companies will continue to receive some level of free services.

Allowing companies up to 30 days after their listing to start using the complimentary products and services is a reflection of the Exchange's experience that it can take companies a period of time to review and complete necessary contracts and training for services following their listing. Allowing this modest 30 day period, if the company needs it, helps ensure that the company will have the benefit of the full period permitted under the rule to actually use the services, thus giving companies the full intended benefit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change amends the suite of products and services offered to certain listed companies. The proposed rule change also allows for an enhanced package of complimentary products and services to be offered to Eligible Transfer Companies as opposed to the package they are currently offered as Eligible Current Listings. All similarly situated companies are eligible for the same package of services. Further, the Exchange notes that Nasdaq already offers a similar suite of complimentary products and services to companies initially listing or transferring their listing to its market. Therefore, the proposed changes to Section 907.00 of the Manual will increase competition by enabling the Exchange to more effectively compete for listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–NYSE–2015–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–36, and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

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[15] 15 U.S.C. 78f(b)(8).

[16] As discussed above, the package of complimentary products and services offered to Eligible New Listings and Eligible Transfer Companies will be identical except that Eligible Transfer Companies will not be offered corporate governance tools.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75733; File No. SR–BX–2015–053]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Surveillance Agreements

August 19, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter IV, Section 3 (Criteria for Underlying Securities) of the rules governing the BX Options Market (''BX Options'')[3] to allow the listing of options overlying Exchange-Traded Fund Shares (''Fund Shares'') that are listed pursuant to generic listing standards on equities exchanges for series of Portfolio Depository Receipts and Index Fund Shares (collectively known as ''ETFs'') based on international or global indexes, pursuant to which a comprehensive surveillance agreement[4] is not required.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange, NASDAQ OMX PHLX LLC (''Phlx''), and The NASDAQ Stock Market LLC (''NASDAQ'') are self-regulatory organizations (''SROs'') that are wholly owned subsidiaries of The NASDAQ OMX Group, Inc. (the ''Group'').

[4] Surveillance agreements are also referred to in Exchange rules as ''surveillance sharing agreements'' or ''comprehensive surveillance sharing agreements'' (''CSSA''). *See, e.g.,* BX Options Chapter IV, Sections 3 and 4 and BX Options Chapter XIV, Sections 3 and 6.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BX Options Chapter IV, Section 3 to allow the listing of options overlying ETFs[5] that are listed pursuant to generic listing standards on equities exchanges for series of ETFs based on international or global indexes, pursuant to which a comprehensive surveillance agreement is not required.[6]

This proposal is based on a recent immediately effective filing of Phlx that added exactly the same language as proposed herein, as well as that of other exchanges,[7] and serves to align the rules of Phlx and the Exchange and other markets. Adding the proposed language to BX Options Chapter IV, Section 3(i) will enable the Exchange to list and trade options on ETFs without a CSSA provided that the underlying ETF is listed on an equities exchange pursuant to the generic listings standards that do not require a CSSA pursuant to Rule 19b–4(e) of the Exchange Act.[8]

Rule 19b–4(e) provides that the listing and trading of a new derivative securities product by an SRO shall not be deemed a proposed rule change, pursuant to paragraph (c)(l) of Rule 19b–4[9] if the Commission has approved, pursuant to Section 19(b) of the Act,[10] the SRO's trading rules, procedures and listing standards for the product class that would include the new derivatives securities product, and the SRO has a surveillance program for the product class.[11] This proposal allows the Exchange to list and trade options on ETFs based on international or global indexes that meet the generic listing standards.[12]

The Surveillance Agreement Requirement for Options on Exchange-Traded Funds

The surveillance agreement requirement (also known as the ''requirement'' or ''regime'') was initially put into effect on Phlx, which is the oldest options exchange within the Group, for options on ETFs well over a decade ago but has proven to have anti-competitive effects that are detrimental to investors.[13] Specifically, the requirement limits the investing public's ability to hedge risk or engage in options strategies that may be afforded to other investors in domestic securities.[14]

The Exchange allows for the listing and trading of options on ETFs. BX Options Chapter IV, Section 3(i) provides the listings standards for options on ETFs, which includes ETFs with non-U.S. component securities,

[5] ETFs are also referred to in Exchange rules as ''Fund Shares.'' *See, e.g.,* BX Options Chapter IV, Sections 3 and 6.

[6] NASDAQ is the principal exchange within the Group for listing ETFs. NASDAQ has generic listing standards for Portfolio Depository Receipts (''PDRs'') and Index Fund Shares (''IFSs''). *See* NASDAQ Rule 5705(b)(3)(A)(ii) regarding IFSs and 5705(a)(3)(A)(ii) regarding PDRs (IFSs and PDRs are together known as ETFs in NASDAQ Rule 5705). *See also* NYSE MKT Rule 1000 Commentary .03(a)(B); NYSE Arca Equities Rule 5.2(j)(3) Commentary .0l(a)(B); and BATS Rule 14. 11(b)(3)(A)(ii).

[7] *See* Securities Exchange Act Release No. 74553 (March 20, 2015), 80 FR 16072 (March 26, 2015) (SR–Phlx–2015–27) (notice of filing and immediate effectiveness to amend Phlx Rule 1009). *See also* Securities Exchange Act Release No. 74509 (March 13, 2015), 80 FR 14425 (March 19, 2015) (SR–MIAX–2015–04) (order approving proposal to amend MIAX Rule 402). The language proposed in these Phlx and MIAX filings, as also the language proposed in this proposal, is similar in all material respects. Other exchanges have submitted similar immediately effective filings. *See, e.g.,* Securities Exchange Act Release Nos. 75132 (June 9, 2015), 80 FR 34175 (June 15, 2015) (SR–BOX–2015–21); 74832 (April 29, 2015), 80 FR 25738 (May 5, 2015) (SR–ISE–2015–16); 75296 (June 25, 2015), 80 FR 37692 (July 1, 2015) (SR–CBOE–2015–052); and 75440 (July 13, 2015), 80 FR 42587 (July 17, 2015) (SR–NYSEArca–2015–60).

[8] 17 CFR 240.19b–4(e).

[9] 17 CFR 240.19b–4(c)(1).

[10] 15 U.S.C. 78s(b).

[11] When relying on Rule 19b–4(e), the SRO must submit Form 19b–4(e) to the Commission within five business days after the SRO begins trading the new derivative securities products. *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998).

[12] *See* NASDAQ Rule 5705(a)(3)(A)(ii) and (b)(3)(A)(ii); NYSE MKT Rule 1000, Commentary .03(a)(B); NYSE Arca Equities Rule 5.20)(3) [sic], Commentary .01(a)(B); and BATS Rule 14.11(b)(3)(A)(ii).

[13] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001)(SR–Phlx–2000–107) (notice of filing and approval order regarding trading of options on ETFs with surveillance agreements) (the ''ETF approval order''). The changes proposed herein relate only to surveillance agreements for options on global or international ETFs.

[14] Moreover, as noted below the surveillance agreement requirement is present for the derivative options on ETFs but not for the underlying ETFs.

such as ETFs based on international or global indexes. Currently, BX Options Chapter IV, Section 3(i) regarding options on ETFs has a three-level surveillance agreement requirement (reproduced in relevant part):

(i) Any non-U.S. component stocks of the index or portfolio on which the Fund Shares are based that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio;

(ii) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index;

(iii) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index.[15]

The Exchange proposes to modify the surveillance agreement requirement for options on ETFs that are listed pursuant to generic listing standards for series of ETFs, based on international or global indexes—for which case a comprehensive surveillance agreement is not required.

When the surveillance agreement requirement was instituted in 2001 on Phlx as discussed, ETFs were, comparatively speaking, in a developmental state.[16] The first ETF introduced in 1993 was a broad-based domestic equity fund tracking the S&P 500 index. The development of ETF products was very limited during the first decade of their existence, such that at the end of 2001, there was a total of only 102 ETFs listed on U.S. markets. Since 2001, however, the ETF market has matured tremendously and grown exponentially, such that at the end of 2012 there were a total of 1,194 listed ETFs.[17] Many of these are very well known, highly traded and liquid products, such as, for example, SPDR S&P 500 Trust ETF (SPY), iShares MSCI Emerging Markets ETF (EEM), and PowerShares QQQ Trust, Series 1 ETF (QQQ), that market participants from institutional to retail and public investors have been using for trading, hedging, and investing purposes with varying timelines.[18] The ETF market is one of the most highly-developed, sophisticated markets that provide traders and investors the opportunity to access practically all industries and enterprises. In 2012 investor demand for ETFs in all asset classes increased substantially. And in 2011 the demand for global and international equity ETFs, to which the requirement applies, more than doubled.[19] The Exchange believes that the surveillance agreement requirement no longer serves a necessary (or indispensable) function in today's highly developed ETF market,[20] and actually creates a dynamic that negatively impacts the number of markets that can competitively trade ETF option products, to the detriment of market participants.

The current surveillance requirement has, at times, resulted in the investing public having to forego the opportunity to hedge risk or engage in other listed options strategies in a competitive environment. ETFs may lack active options contracts that would be more likely to develop if multiple exchanges could compete to offer and promote them. For example, an investor in the iShares MSCI Indonesia ETF (EIDO) is not permitted to sell call options or purchase protective puts simply because the Exchange cannot obtain a surveillance agreement with Bursa Efek Indonesia. However, an investor in iShares MSCI Emerging Markets Fund (EEM) is afforded the right to engage in listed options trading to hedge risk or execute other beneficial options strategies. Both underlying exchange-traded funds, EIDO and EEM, are listed for trading in the U.S., subject to constant regulatory scrutiny, and permitted to be purchased and sold via registered broker/dealers, yet, options can now be offered only on EEM. The Exchange believes this disparate treatment between investors of foreign-based instruments, especially between those that buy and sell options contracts on ETFs, which currently require surveillance agreements, as opposed to those that buy and sell shares of the underlying ETFs, which currently do not have the same onerous surveillance agreement requirement that ETF options have,[21] is not in the best interest of market participants. The Exchange therefore proposes to establish that options on generically-listed global or international ETFs would not require surveillance agreements for listing.

The current surveillance agreement requirements, as well as all other requirements to list options on ETFs,[22] are not affected by this proposal and will continue to remain in place for options on ETFs that do not meet generic listing standards on equities exchanges for ETFs based on international and global indexes.

Generic Listing Standards for Exchange-Traded Funds

The Exchange notes that the Commission has previously approved generic listing standards pursuant to Rule 19b–4(e) of the Exchange Act[23] for ETFs based on indexes that consist of stocks listed on U.S. exchanges including NASDAQ, the ETF listing exchange within the Group.[24] In general, the criteria for the underlying component securities in the international and global indexes are similar to those for the domestic indexes, but with modifications as appropriate for the issues and risks associated with non-U.S. securities.

In addition, the Commission has previously approved proposals for the

[15] *See* BX Options Chapter IV, Section 3(i)i.–iii., which is re-numbered as BX Options Chapter IV, Section 3(i)i.(1)–(3). For consistency, BX Options Chapter IV, Section 3(i)iv.-vi. is re-numbered BX Options Chapter IV, Section 3(i)ii.–iv.

[16] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–2000–107) (ETF approval order).

[17] *http://www.icifactbook.org/fb_ch3.html.*

[18] These can be from intraday exposure (*e.g.,* using Daily S&P 500 Bear 3x Shares (SPXS)) to long-term 401(k) or retirement fund exposure (*e.g.,* using SPY).

[19] *http://www.icifactbook.org/fb_ch3.html.*

[20] ETFs and ETPs listed in the United States gathered $24.6 billion USD in net new assets in June 2014 which, when combined with positive market performance, pushed the ETF/ETP industry in the United States to a new record high of $1.86 trillion USD invested in 1,613 ETFs/ETPs, from 58 providers listed on 3 exchanges. And according to ETFGI, an independent ETF/ETP research and consultancy firm in the U.K., ETFs and ETPs listed globally reached $2.64 trillion USD in assets, a new record high, at the end of Q2 2014. *http://www.mondovisione.com/media-and-resources/news/according-to-etfgi-etfs-and-etps-listed-globally-reached-us264-trillion-in-as/.*

[21] While the surveillance agreement requirement for options on ETFs found in BX Options Chapter IV, Section 3(i) (*see* note 15 and related text) has resulted in significant negative implications for market participants, there is no such surveillance agreement requirement for the underlying ETFs. In particular, when looking to the rules of NASDAQ, the primary ETF listing venue in the Group, NASDAQ Rules 5705 regarding ETFs and 5735 regarding Managed Fund Shares (''MFSs'') have no explicit requirements concerning surveillance agreements for regularly listed (non-generic) ETFs and MFSs, and simply state that FINRA will implement written surveillance procedures. Section 19(b)(2) filings regarding ETFs and MFSs typically indicate that the Exchange may obtain information regarding trading in the shares from FINRA and markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), which includes securities and futures exchanges, or with which the Exchange has in place a surveillance agreement (which is not required by rule). Regarding ETFs and MFSs listed pursuant to generic (19b–4(e)) standards and reviewed and approved for trading under Section 19(b)(2) of the Act, Rule 5705 simply notes that the Commission's approval order may reference surveillance sharing agreements with respect to non-U.S. component stocks.

[22] For purposes of brevity, these other requirements are not set forth, but can be found in BX Options Chapter IV, Section 3(i).

[23] 17 CFR 240.19b–4(e).

[24] *See* Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66993 (November 17, 2006) (SR–Amex–2006–78) (initial order relating to generic listing standards for ETFs based on international or global indexes). *See also* NASDAQ Rule 5705(a)(3)(A)(ii) and (b)(3)(A)(ii).

listing and trading of options on ETFs based on international indexes as well as global indexes (*e.g.,* based on non-U.S. and U.S. component stocks).[25] In approving ETFs for equities exchange trading, the Commission thoroughly considered the structure of the ETFs, their usefulness to investors and to the markets, and SRO rules that govern their trading. The Exchange believes that allowing the listing of options overlying ETFs that are listed pursuant to the generic listing standards on equities exchanges for ETFs based on international and global indexes and applying Rule 19b–4(e)[26] should fulfill the intended objective of that rule by allowing options on those ETFs that have satisfied the generic listing standards to commence trading, without the need for the public comment period and Commission approval. The proposed rule has the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The failure of a particular ETF to comply with the generic listing standards under Rule 19b–4(e)[27] would not, however, preclude the Exchange from submitting a separate filing pursuant to Section 19(b)(2),[28] requesting Commission approval to list and trade options on a particular ETF. Moreover, the Exchange notes that the generic standards such as those in proposed BX Options Chapter IV, Section 3(i) are not new in the options world, and have been used extensively for listing options on narrow-based and broad-based indexes.[29]

Requirements for Listing and Trading Options Overlying ETFs Based on International and Global Indexes

Options on ETFs listed pursuant to these generic standards for international and global indexes would be traded, in all other respects, under the Exchange's existing trading rules and procedures that apply to options on ETFs and would be covered under the Exchange's surveillance program for options on ETFs.

Pursuant to proposed BX Options Chapter IV, Section 3(i), the Exchange may list and trade options on an ETF without a CSSA provided that the ETF is listed pursuant to generic listing standards for ETFs based on international or global indexes, in which case a comprehensive surveillance agreement is not required. As noted, one such rule, which discusses things such as weighting, capitalization, trading volume, minimum number of components, and where components are listed, is NASDAQ Rule 5705(b)(3)(A)(ii) regarding ETFs (IFSs and PDRs).[30] The Exchange believes that these generic listing standards are intended to ensure that securities with substantial market capitalization and trading volume account for a substantial portion of the weight of an index or portfolio.

The Exchange believes that this proposed listing standard for options on ETFs is reasonable for international and global indexes, and, when applied in conjunction with the other listing requirements, will result in options overlying ETFs that are sufficiently broad in scope and not readily susceptible to manipulation. The Exchange also believes that allowing the Exchange to list options overlying ETFs that are listed on equities exchanges pursuant to generic standards for series of ETFs based on international or global indexes under which a CSSA is not required, will result in options overlying ETFs that are adequately diversified in weighting for any single security or small group of securities to significantly reduce concerns that trading in options overlying ETFs based on international or global indexes could become a surrogate for trading in unregistered securities.[31]

The Exchange believes that ETFs based on international and global indexes that have been listed pursuant to the generic standards are sufficiently defined so as to make options overlying such ETFs not susceptible instruments for manipulation. The Exchange believes that the threat of manipulation is, as discussed below, sufficiently mitigated for underlying ETFs that have been listed on equities exchanges pursuant to generic listing standards for series of ETFs based on international or global indexes under which a comprehensive surveillance agreement is not required and for the overlying options; the Exchange does not see the need for a CSSA to be in place before listing and trading options on such ETFs. The Exchange notes that its proposal does not replace the need for a CSSA as provided in current BX Options Chapter IV, Section 3(i). The provisions of Section 3(i), including the need for a CSSA, remain materially unchanged and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of

[25] *See, e.g.,* Securities Exchange Act Release Nos. 57013 (December 20, 2007), 72 FR 73923 (December 28, 2007) (SR–CBOE–2007–140) (approval order to list and trade options on iShares MSCI Mexico Index Fund, when CBOE did not have in place a surveillance agreement with the Bolsa Mexicana de Valores (the ''Bolsa'')); 57014 (December 20, 2007), 72 FR 73934 (December 28, 2007) (SR–ISE–2007–111) (approval order to list and trade options on iShares MSCI Mexico Index Fund, when ISE did not have in place a surveillance agreement with the Bolsa); 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–AMEX–2007–100) (approval order to list and trade options on iShares MSCI Mexico Index Fund, when AMEX did not have in place a surveillance agreement with the Bolsa); and 55648 (April 19, 2007), 72 FR 20902 (April 26, 2007) (SR–AMEX–2007–09) (approval order to list and trade options on Vanguard Emerging Markets ETF, when AMEX did not have in place a surveillance agreement with the Bolsa). *See also* Securities Exchange Act Release Nos. 50189 (August 12, 2004), 69 FR 51723 (August 20, 2004) (SR–AMEX–2004–05) (approving the listing and trading of certain Vanguard International Equity Index Funds); and 44700 (August 14, 2001), 66 FR 43927 (August 21, 2001) (SR–AMEX–2001–34) (approving the listing and trading of series of the iShares Trust based on foreign stock indexes).

[26] 17 CFR 240.19b–4(e).

[27] *Id.*

[28] 15 U.S.C. 78s(b)(2).

[29] BX Options Chapter IV, Sections 3 and 6 have, for example, weighting, capitalization, trading volume, and minimum number of components standards for listing options on broad-based and narrow-based indexes. For a definition of broad-based index (market index) and narrow-based index (industry index), *see* NOM Chapter XIV, Sections 2(k) and (j), respectively.

[30] NASDAQ Rule 5705(b)(3)(A)(ii) regarding IFSs, for example, has the following requirements (reproduced in relevant part): a. Component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 90% of the weight of the index or portfolio (excluding Derivative Securities Products) each shall have a minimum market value of at least $100 million; b. component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 70% of the weight of the index or portfolio (excluding Derivative Securities Products) each shall have a minimum worldwide monthly trading volume of at least 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months; c. the most heavily weighted component stock (excluding Derivative Securities Products) shall not exceed 25% of the weight of the index or portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Derivative Securities Products) shall not exceed 60% of the weight of the index or portfolio; d. the index or portfolio shall include a minimum of 20 component stocks; provided, however, that there shall be no minimum number of component stocks if either one or more series of Index Fund Shares or Portfolio Depositary Receipts constitute, at least in part, components underlying a series of Index Fund Shares, or one or more series of Derivative Securities Products account for 100% of the weight of the index or portfolio; and e. each U.S. Component Stock shall be listed on a national securities exchange and shall be an NMS Stock as defined in Rule 600 of Regulation NMS under the Act, and each Non-U.S. Component Stock shall be listed and traded on an exchange that has last-sale reporting. NASDAQ Rule 5705(a)(3)(A)(ii) has similar standards, but tailored for PDRs.

[31] The Exchange also notes that not affording retail investors the ability to trade on a regulated exchange can be detrimental. While products can be traded off exchange in the over the counter (''OTC'') market, which has increased settlement, clearing, and market risk as opposed to exchanges, the relatively unregulated OTC market is usually not a viable option for retail and public investors.

ETFs based on international or global indexes pursuant to which a CSSA is not required. Instead, proposed BX Options Chapter IV, Section 3(i) adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange.

Finally, to account for proposed BX Options Chapter IV, Section 3(i) and make Section 3 easier to follow, the Exchange proposes technical changes to the formatting of this section of the rule. Thus, the Exchange proposes re-numbering BX Options Chapter IV, Section 3(i)i.–iii to BX Options Chapter IV, Section 3(i)i.(1)–(3), respectively. And, for consistency, the Exchange proposes re-numbering BX Options Chapter IV, Section 3(i)iv.–vi. to BX Options Chapter IV, Section 3(i)ii.–iv., respectively. This is merely re-numbering and there are no changes to the language of these parts of Section 3(i).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [32] in general, and furthers the objectives of Section 6(b)(5) of the Act [33] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the proposed rule change has the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The Exchange also believes that enabling the listing and trading of options on ETFs pursuant to this proposed new listing standard will benefit investors by providing them with valuable risk management tools. The Exchange notes that its proposal does not replace the need for a CSSA as provided in BX Options Chapter IV, Section 3(i). The provisions of current Section 3(i), including the need for a CSSA, remain materially unchanged and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of ETFs based on international or global indexes under which a comprehensive surveillance agreement is not required. Instead, proposed BX Options Chapter IV, Section 3(i) adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange in a manner that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposal would promote just and equitable principles of trade. When the surveillance agreement requirement was instituted as discussed in 2001 on Phlx, the oldest options exchange in the Group, ETFs were, comparatively speaking, in a developmental state.[34] The first ETF introduced in 1993 was a broad-based domestic equity fund tracking the S&P 500 index. After the introduction of the first ETF in 1993, the development of ETF products was very limited during the first decade of their existence. Since the end of 2001, when there was a total of only 102 ETFs listed on U.S. markets, however, the ETF market has matured tremendously and grown exponentially. With a total of 1,194 listed ETFs at the end of 2012, the ETF market is now one of the most highly-developed, sophisticated markets with many very well known, highly traded and liquid products that provide traders and investors the opportunity to access practically all industries and enterprises. While investor demand for ETFs in all asset classes increased substantially, in 2011 the demand for global and international equity ETFs, to which the requirement applies, more than doubled.[35] The Exchange believes that the current surveillance requirement no longer serves a necessary function in today's highly developed market, and, as discussed, actually creates a dynamic that negatively impacts the number of markets that can competitively trade ETF option products. This hurts market participants. The Exchange therefore proposes to establish that pursuant to proposed BX Options Chapter IV, Section 3(i) options may be listed on certain ETFs that are based on global and international funds and meet generic listing standards.

The proposal would in general protect investors and the public interest. The Exchange believes that modifying the surveillance agreement requirement for ETFs would not hinder the Exchange from performing surveillance duties designed to protect investors and the public interest. There are various data consolidators, vendors, and outlets that can be used to access data and information regarding ETFs and the underlying securities (*e.g.,* Bloomberg, Dow Jones, FTEN). In addition, firms that list ETFs on an exchange receive vast amounts of data relevant to their products that could be made available to listing exchanges as needed. The Exchange has access to the activity of the direct underlying instrument and the ETF, and through the Intermarket Surveillance Group (''ISG'') the Exchange can obtain such information related to the underlying security as needed.[36] Moreover, other than the surveillance agreement requirement there are, as discussed, numerous requirements that must be met to list options on ETFs on the Exchange.

The proposal would remove impediments to and perfect the mechanism of a free and open market and a national market system. Multiple listing of ETFs, options, and other securities and competition are some of the central features of the current national market system. The Exchange believes that the surveillance agreement requirement has led to clearly anti-competitive results in a market that is based on competition. As such, the Exchange believes that the surveillance agreement requirement for options on certain ETFs is no longer necessary and proposes new BX Options Chapter IV, Section 3(i). The proposed rule change will significantly benefit market participants. As discussed at length, the proposed rule will negate the negative anti-competitive effect of the current surveillance agreement requirement that has resulted in de facto regulatory monopolies where only solitary exchanges, or only a few exchanges, are able to list certain ETF options products. The Exchange believes this is inconsistent with Commission policies and the developing national market system, as well as the competitive nature of the market, and therefore proposes amendment.[37] The Exchange believes that the proposal would encourage a more open market and national market system based on competition and multiple listing. The generic listing standards for ETFs based on global or international indexes have specific requirements regarding relative

[32] 15 U.S.C. 78f(b).

[33] 15 U.S.C. 78f(b)(5).

[34] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–2000–107) (ETF approval order).

[35] *http://www.icifactbook.org/fb_ch3.html.*

[36] *See https://www.isgportal.org/home.html.* Another global organization similar to ISG is The International Organization of Securities Commissions (''IOSCO'').

[37] As discussed, the Exchange is decidedly not proposing that the surveillance agreement requirement be deleted entirely, but rather that only those options on ETFs that do not meet very specific generic listing standards need to have surveillance agreements in order to list on the Exchange.

weighting, minimum capitalization, minimum trading volume, and minimum number of components that have been approved by the Commission years ago for foreign ETFs.[38] Moreover, such listing standards have been in continuous use for listing options on narrow-based and broad-based indexes on the Exchange.[39] Allowing the listing of options on underlying ETFs based on global and international indexes that meet generic listing standards would encourage a free and open market and national market system to the benefit of market participants.

For the above reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal is, as discussed, decidedly pro-competitive and is a competitive response to the inability to list products because of the surveillance agreement requirement. The Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Competition is one of the principal features of the national market system. The Exchange believes that this proposal will expand competitive opportunities to list and trade products on the Exchange as noted.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[40] and Rule 19b–4(f)(6) thereunder.[41]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[42] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[43] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of the operative delay will allow the Exchange to list and trade certain ETF options on the same basis as other options markets.[44] The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[45]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2015–053 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2015–053. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2015–053, and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20930 Filed 8–24–15; 8:45 am]

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[38] *See* Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66993 (November 17, 2006) (SR–Amex–2006–78) (initial order relating to generic listing standards for ETFs based on international or global indexes). *See also* BX Options Rule 5705(a)(3)(A)(ii) and (b)(3)(A)(ii).

[39] *See* Chapter XIV, Sections 6 and 3.

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[42] 17 CFR 240.19b–4(f)(6).

[43] 17 CFR 240.19b–4(f)(6)(iii).

[44] *See supra* note 7.

[45] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[46] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75734; File No. SR–NASDAQ–2015–097]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Surveillance Agreements

August 19, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend NOM Chapter IV, Section 3 to allow the listing of options overlying ETFs [3] that are listed pursuant to generic listing standards on equities exchanges for series of ETFs based on international or global indexes, pursuant to which a comprehensive surveillance agreement is not required.[4]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NOM Chapter IV, Section 3 to allow the listing of options overlying ETFs [5] that are listed pursuant to generic listing standards on equities exchanges for series of ETFs based on international or global indexes, pursuant to which a comprehensive surveillance agreement is not required.[6]

This proposal is based on a recent immediately effective filing of Phlx that added exactly the same language as proposed herein, as well as that of other exchanges,[7] and serves to align the rules of Phlx and the Exchange and other markets. Adding the proposed language to NOM Chapter IV, Section 3(i) will enable the Exchange to list and trade options on ETFs without a CSSA provided that the underlying ETF is listed on an equities exchange pursuant to the generic listings standards that do not require a CSSA pursuant to Rule 19b–4(e) of the Exchange Act.[8]

Rule 19b–4(e) provides that the listing and trading of a new derivative securities product by an SRO shall not be deemed a proposed rule change, pursuant to paragraph (c)(l) of Rule 19b–4 [9] if the Commission has approved, pursuant to Section 19(b) of the Act,[10] the SRO's trading rules, procedures and listing standards for the product class that would include the new derivatives securities product, and the SRO has a surveillance program for the product class.[11] This proposal allows the Exchange to list and trade options on ETFs based on international or global indexes that meet the generic listing standards.[12]

The Surveillance Agreement Requirement for Options on Exchange-Traded Funds

The surveillance agreement requirement (also known as the ''requirement'' or ''regime'') was initially put into effect on Phlx, which is the oldest options exchange within the Group, for options on ETFs well over a decade ago but has proven to have anti-competitive effects that are detrimental to investors.[13] Specifically, the requirement limits the investing public's ability to hedge risk or engage in options strategies that may be afforded to other investors in domestic securities.[14]

The Exchange allows for the listing and trading of options on ETFs. NOM Chapter IV, Section 3(i) provides the listings standards for options on ETFs, which includes ETFs with non-U.S. component securities, such as ETFs based on international or global indexes. Currently, NOM Chapter IV, Section 3(i) regarding options on ETFs has a three-level surveillance agreement requirement (reproduced in relevant part):

(i) Any non-U.S. component stocks of the index or portfolio on which the Fund Shares are based that are not

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ETFs are also referred to in Exchange rules as ''Fund Shares.'' *See, e.g.,* NOM Chapter IV, Sections 3 and 6.

[4] NASDAQ is the principal exchange within the Group for listing ETFs. NASDAQ has generic listing standards for Portfolio Depository Receipts (''PDRs'') and Index Fund Shares (''IFSs''). *See* NASDAQ Rule 5705(b)(3)(A)(ii) regarding IFSs and 5705(a)(3)(A)(ii) regarding PDRs (IFSs and PDRs are together known as ETFs in NASDAQ Rule 5705). *See also* NYSE MKT Rule 1000 Commentary .03(a)(B); NYSE Arca Equities Rule 5.2(j)(3) Commentary .0l(a)(B); and BATS Rule 14.11(b)(3)(A)(ii).

[5] ETFs are also referred to in Exchange rules as ''Fund Shares.'' *See, e.g.,* NOM Chapter IV, Sections 3 and 6.

[6] NASDAQ is the principal exchange within the Group for listing ETFs. NASDAQ has generic listing standards for Portfolio Depository Receipts (''PDRs'') and Index Fund Shares (''IFSs''). *See* NASDAQ Rule 5705(b)(3)(A)(ii) regarding IFSs and 5705(a)(3)(A)(ii) regarding PDRs (IFSs and PDRs are together known as ETFs in NASDAQ Rule 5705). *See also* NYSE MKT Rule 1000 Commentary .03(a)(B); NYSE Arca Equities Rule 5.2(j)(3) Commentary .0l(a)(B); and BATS Rule 14.11(b)(3)(A)(ii).

[7] *See* Securities Exchange Act Release No. 74553 (March 20, 2015), 80 FR 16072 (March 26, 2015) (SR-Phlx-2015–27) (notice of filing and immediate effectiveness to amend Phlx Rule 1009). *See also* Securities Exchange Act Release No. 74509 (March 13, 2015), 80 FR 14425 (March 19, 2015) (SR–MIAX–2015–04) (order approving proposal to amend MIAX Rule 402). The language proposed in these Phlx and MIAX filings, as also the language proposed in this proposal, is similar in all material respects. Other exchanges have submitted similar immediately effective filings. *See, e.g.,* Securities Exchange Act Release Nos. 75132 (June 9, 2015), 80 FR 34175 (June 15, 2015) (SR–BOX–2015–21); 74832 (April 29, 2015), 80 FR 25738 (May 5, 2015) (SR–ISE–2015–16); 75296 (June 25, 2015), 80 FR 37692 (July 1, 2015) (SR–CBOE–2015–052); and 75440 (July 13, 2015), 80 FR 42587 (July 17, 2015) (SR–NYSEArca-2015–60).

[8] 17 CFR 240.19b–4(e).

[9] 17 CFR 240.19b–4(c)(1).

[10] 15 U.S.C. 78s(b).

[11] When relying on Rule 19b–4(e), the SRO must submit Form 19b–4(e) to the Commission within five business days after the SRO begins trading the new derivative securities products. *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952 (December 22, 1998).

[12] *See* NASDAQ Rule 5705(a)(3)(A)(ii) and (b)(3)(A)(ii); NYSE MKT Rule 1000, Commentary .03(a)(B); NYSE Arca Equities Rule 5.20(j)(3) [sic], Commentary .0l(a)(B); and BATS Rule 14.1l(b)(3)(A)(ii).

[13] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–2000–107) (notice of filing and approval order regarding trading of options on ETFs with surveillance agreements) (the ''ETF approval order''). The changes proposed herein relate only to surveillance agreements for options on global or international ETFs.

[14] Moreover, as noted below the surveillance agreement requirement is present for the derivative options on ETFs but not for the underlying ETFs.

subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio;

(ii) stocks for which the primary market is in any one country that is not subject to a comprehensive surveillance agreement do not represent 20% or more of the weight of the index;

(iii) stocks for which the primary market is in any two countries that are not subject to comprehensive surveillance agreements do not represent 33% or more of the weight of the index.[15]

The Exchange proposes to modify the surveillance agreement requirement for options on ETFs that are listed pursuant to generic listing standards for series of ETFs, based on international or global indexes—for which case a comprehensive surveillance agreement is not required.

When the surveillance agreement requirement was instituted in 2001 on Phlx as discussed, ETFs were, comparatively speaking, in a developmental state.[16] The first ETF introduced in 1993 was a broad-based domestic equity fund tracking the S&P 500 index. The development of ETF products was very limited during the first decade of their existence, such that at the end of 2001, there was a total of only 102 ETFs listed on U.S. markets. Since 2001, however, the ETF market has matured tremendously and grown exponentially, such that at the end of 2012 there were a total of 1,194 listed ETFs.[17] Many of these are very well known, highly traded and liquid products, such as, for example, SPDR S&P 500 Trust ETF (SPY), iShares MSCI Emerging Markets ETF (EEM), and PowerShares QQQ Trust, Series 1 ETF (QQQ), that market participants from institutional to retail and public investors have been using for trading, hedging, and investing purposes with varying timelines.[18] The ETF market is one of the most highly-developed, sophisticated markets that provide traders and investors the opportunity to access practically all industries and enterprises. In 2012 investor demand for ETFs in all asset classes increased substantially. And in 2011 the demand for global and international equity ETFs, to which the requirement applies, more than doubled.[19] The Exchange believes that the surveillance agreement requirement no longer serves a necessary (or indispensable) function in today's highly developed ETF market,[20] and actually creates a dynamic that negatively impacts the number of markets that can competitively trade ETF option products, to the detriment of market participants.

The current surveillance requirement has, at times, resulted in the investing public having to forego the opportunity to hedge risk or engage in other listed options strategies in a competitive environment. ETFs may lack active options contracts that would be more likely to develop if multiple exchanges could compete to offer and promote them. For example, an investor in the iShares MSCI Indonesia ETF (EIDO) is not permitted to sell call options or purchase protective puts simply because the Exchange cannot obtain a surveillance agreement with Bursa Efek Indonesia. However, an investor in iShares MSCI Emerging Markets Fund (EEM) is afforded the right to engage in listed options trading to hedge risk or execute other beneficial options strategies. Both underlying exchange-traded funds, EIDO and EEM, are listed for trading in the U.S., subject to constant regulatory scrutiny, and permitted to be purchased and sold via registered broker/dealers, yet, options can now be offered only on EEM. The Exchange believes this disparate treatment between investors of foreign-based instruments, especially between those that buy and sell options contracts on ETFs, which currently require surveillance agreements, as opposed to those that buy and sell shares of the underlying ETFs, which currently do not have the same onerous surveillance agreement requirement that ETF options have,[21] is not in the best interest of market participants. The Exchange therefore proposes to establish that options on generically-listed global or international ETFs would not require surveillance agreements for listing.

The current surveillance agreement requirements, as well as all other requirements to list options on ETFs,[22] are not affected by this proposal and will continue to remain in place for options on ETFs that do not meet generic listing standards on equities exchanges for ETFs based on international and global indexes.

Generic Listing Standards for Exchange-Traded Funds

The Exchange notes that the Commission has previously approved generic listing standards pursuant to Rule 19b–4(e) of the Exchange Act [23] for ETFs based on indexes that consist of stocks listed on U.S. exchanges including NASDAQ, the ETF listing exchange within the Group.[24] In general, the criteria for the underlying component securities in the international and global indexes are similar to those for the domestic indexes, but with modifications as appropriate for the issues and risks associated with non-U.S. securities.

In addition, the Commission has previously approved proposals for the listing and trading of options on ETFs based on international indexes as well as global indexes (*e.g.,* based on non-U.S. and U.S. component stocks).[25] In

[15] *See* NOM Chapter IV, Section 3(i)i.–iii., which is re-numbered as NOM Chapter IV, Section 3(i)i.(1)–(3). For consistency, NOM Chapter IV, Section 3(i)iv.–vi. is re-numbered NOM Chapter IV, Section 3(i)ii.–iv.

[16] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (SR–Phlx–2000–107) (ETF approval order).

[17] *http://www.icifactbook.org/fb_ch3.html.*

[18] These can be from intraday exposure (*e.g.,* using Daily S&P 500 Bear 3x Shares (SPXS)) to long-term 401(k) or retirement fund exposure (*e.g.,* using SPY).

[19] *http://www.icifactbook.org/fb_ch3.html.*

[20] ETFs and ETPs listed in the United States gathered $24.6 billion USD in net new assets in June 2014 which, when combined with positive market performance, pushed the ETF/ETP industry in the United States to a new record high of $1.86 trillion USD invested in 1,613 ETFs/ETPs, from 58 providers listed on 3 exchanges. And according to ETFGI, an independent ETF/ETP research and consultancy firm in the U.K., ETFs and ETPs listed globally reached $2.64 trillion USD in assets, a new record high, at the end of Q2 2014. *http://www.mondovisione.com/media-and-resources/news/according-to-etfgi-etfs-and-etps-listed-globally-reached-us264-trillion-in-as/.*

[21] While the surveillance agreement requirement for options on ETFs found in NOM Chapter IV, Section 3(i) (*see* note 15 and related text) has resulted in significant negative implications for market participants, there is no such surveillance agreement requirement for the underlying ETFs. In particular, when looking to the rules of NASDAQ, the primary ETF listing venue in the Group, NASDAQ Rules 5705 regarding ETFs and 5735 regarding Managed Fund Shares (''MFSs'') have no explicit requirements concerning surveillance agreements for regularly listed (non-generic) ETFs and MFSs, and simply state that FINRA will implement written surveillance procedures. Section 19(b)(2) filings regarding ETFs and MFSs typically indicate that the Exchange may obtain information regarding trading in the shares from FINRA and markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), which includes securities and futures exchanges, or with which the Exchange has in place a surveillance agreement (which is not required by rule). Regarding ETFs and MFSs listed pursuant to generic (19b–4(e)) standards and reviewed and approved for trading under Section 19(b)(2) of the Act, Rule 5705 simply notes that the Commission's approval order may reference surveillance sharing agreements with respect to non-U.S. component stocks.

[22] For purposes of brevity, these other requirements are not set forth, but can be found in NOM Chapter IV, Section 3(i).

[23] 17 CFR 240.19b–4(e).

[24] *See* Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66993 (November 17, 2006) (SR-Amex-2006–78) (initial order relating to generic listing standards for ETFs based on international or global indexes). *See also* NASDAQ Rule 5705(a) (3) (A) (ii) and (b) (3) (A) (ii).

[25] *See, e.g.,* Securities Exchange Act Release Nos. 57013 (December 20, 2007), 72 FR 73923 (December 28, 2007) (SR–CBOE–2007–140) (approval order to list and trade options on iShares MSCI Mexico

approving ETFs for equities exchange trading, the Commission thoroughly considered the structure of the ETFs, their usefulness to investors and to the markets, and SRO rules that govern their trading. The Exchange believes that allowing the listing of options overlying ETFs that are listed pursuant to the generic listing standards on equities exchanges for ETFs based on international and global indexes and applying Rule 19b–4(e)[26] should fulfill the intended objective of that rule by allowing options on those ETFs that have satisfied the generic listing standards to commence trading, without the need for the public comment period and Commission approval. The proposed rule has the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The failure of a particular ETF to comply with the generic listing standards under Rule 19b–4(e)[27] would not, however, preclude the Exchange from submitting a separate filing pursuant to Section 19(b) (2),[28] requesting Commission approval to list and trade options on a particular ETF. Moreover, the Exchange notes that the generic standards such as those in proposed NOM Chapter IV, Section 3(i) are not new in the options world, and have been used extensively for listing options on narrow-based and broad-based indexes.[29]

Index Fund, when CBOE did not have in place a surveillance agreement with the Bolsa Mexicana de Valores (the ''Bolsa'')); 57014 (December 20, 2007), 72 FR 73934 (December 28, 2007) (SR–ISE–2007–111) (approval order to list and trade options on iShares MSCI Mexico Index Fund, when ISE did not have in place a surveillance agreement with the Bolsa); 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–AMEX–2007–100) (approval order to list and trade options on iShares MSCI Mexico Index Fund, when AMEX did not have in place a surveillance agreement with the Bolsa); and 55648 (April 19, 2007), 72 FR 20902 (April 26, 2007) (SR–AMEX–2007–09) (approval order to list and trade options on Vanguard Emerging Markets ETF, when AMEX did not have in place a surveillance agreement with the Bolsa). *See also* Securities Exchange Act Release Nos. 50189 (August 12, 2004), 69 FR 51723 (August 20, 2004) (SR–AMEX–2004–05) (approving the listing and trading of certain Vanguard International Equity Index Funds); and 44700 (August 14, 2001), 66 FR 43927 (August 21, 2001) (SR–AMEX–2001–34) (approving the listing and trading of series of the iShares Trust based on foreign stock indexes).

[26] 17 CFR 240.19b–4(e).

[27] *Id.*

[28] 15 U.S.C. 78s(b) (2).

[29] NOM Chapter IV, Sections 3 and 6 have, for example, weighting, capitalization, trading volume, and minimum number of components standards for listing options on broad-based and narrow-based indexes. For a definition of broad-based index (market index) and narrow-based index (industry index), *see* NOM Chapter XIV, Sections 2(k) and (j), respectively.

Requirements for Listing and Trading Options Overlying ETFs Based on International and Global Indexes

Options on ETFs listed pursuant to these generic standards for international and global indexes would be traded, in all other respects, under the Exchange's existing trading rules and procedures that apply to options on ETFs and would be covered under the Exchange's surveillance program for options on ETFs.

Pursuant to proposed NOM Chapter IV, Section 3(i), the Exchange may list and trade options on an ETF without a CSSA provided that the ETF is listed pursuant to generic listing standards for ETFs based on international or global indexes, in which case a comprehensive surveillance agreement is not required. As noted, one such rule, which discusses things such as weighting, capitalization, trading volume, minimum number of components, and where components are listed, is NASDAQ Rule 5705(b)(3)(A)(ii) regarding ETFs (IFSs and PDRs).[30] The Exchange believes that these generic listing standards are intended to ensure that securities with substantial market capitalization and trading volume account for a substantial portion of the weight of an index or portfolio.

The Exchange believes that this proposed listing standard for options on ETFs is reasonable for international and global indexes, and, when applied in conjunction with the other listing requirements, will result in options overlying ETFs that are sufficiently broad in scope and not readily susceptible to manipulation. The Exchange also believes that allowing the Exchange to list options overlying ETFs that are listed on equities exchanges pursuant to generic standards for series of ETFs based on international or global indexes under which a CSSA is not required, will result in options overlying ETFs that are adequately diversified in weighting for any single security or small group of securities to significantly reduce concerns that trading in options overlying ETFs based on international or global indexes could become a surrogate for trading in unregistered securities.[31]

The Exchange believes that ETFs based on international and global indexes that have been listed pursuant to the generic standards are sufficiently defined so as to make options overlying such ETFs not susceptible instruments for manipulation. The Exchange believes that the threat of manipulation is, as discussed below, sufficiently mitigated for underlying ETFs that have been listed on equities exchanges pursuant to generic listing standards for series of ETFs based on international or global indexes under which a comprehensive surveillance agreement is not required and for the overlying options; the Exchange does not see the need for a CSSA to be in place before listing and trading options on such ETFs. The Exchange notes that its proposal does not replace the need for a CSSA as provided in current NOM Chapter IV, Section 3(i). The provisions of Section 3(i), including the need for a CSSA, remain materially unchanged and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of ETFs based on international or global indexes pursuant to which a CSSA is not required. Instead, proposed NOM Chapter IV, Section 3(i) adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange.

Finally, to account for proposed NOM Chapter IV, Section 3(i) and make Section 3 easier to follow, the Exchange proposes technical changes to the

[30] NASDAQ Rule 5705(b)(3)(A)(ii) regarding IFSs, for example, has the following requirements (reproduced in relevant part): a. component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 90% of the weight of the index or portfolio (excluding Derivative Securities Products) each shall have a minimum market value of at least $100 million; b. component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 70% of the weight of the index or portfolio (excluding Derivative Securities Products) each shall have a minimum worldwide monthly trading volume of at least 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months; c. the most heavily weighted component stock (excluding Derivative Securities Products) shall not exceed 25% of the weight of the index or portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Derivative Securities Products) shall not exceed 60% of the weight of the index or portfolio; d. the index or portfolio shall include a minimum of 20 component stocks; provided, however, that there shall be no minimum number of component stocks if either one or more series of Index Fund Shares or Portfolio Depositary Receipts constitute, at least in part, components underlying a series of Index Fund Shares, or one or more series of Derivative Securities Products account for 100% of the weight of the index or portfolio; and e. each U.S. Component Stock shall be listed on a national securities exchange and shall be an NMS Stock as defined in Rule 600 of Regulation NMS under the Act, and each Non-U.S. Component Stock shall be listed and traded on an exchange that has last-sale reporting. NASDAQ Rule 5705(a)(3)(A)(ii) has similar standards, but tailored for PDRs.

[31] The Exchange also notes that not affording retail investors the ability to trade on a regulated exchange can be detrimental. While products can be traded off exchange in the over the counter (''OTC'') market, which has increased settlement, clearing, and market risk as opposed to exchanges, the relatively unregulated OTC market is usually not a viable option for retail and public investors.

formatting of this section of the rule. Thus, the Exchange proposes re-numbering NOM Chapter IV, Section 3(i)i.–iii. to NOM Chapter IV, Section 3(i)i.(1)–(3), respectively. And, for consistency, the Exchange proposes re-numbering NOM Chapter IV, Section 3(i)iv.–vi. to NOM Chapter IV, Section 3(i)ii.–iv., respectively. This is merely re-numbering and there are no changes to the language of these parts of Section 3(i).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [32] in general, and furthers the objectives of Section 6(b)(5) of the Act [33] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the proposed rule change has the potential to reduce the time frame for bringing options on ETFs to market, thereby reducing the burdens on issuers and other market participants. The Exchange also believes that enabling the listing and trading of options on ETFs pursuant to this proposed new listing standard will benefit investors by providing them with valuable risk management tools. The Exchange notes that its proposal does not replace the need for a CSSA as provided in NOM Chapter IV, Section 3(i). The provisions of current Section 3(i), including the need for a CSSA, remain materially unchanged and will continue to apply to options on ETFs that are not listed on an equities exchange pursuant to generic listing standards for series of ETFs based on international or global indexes under which a comprehensive surveillance agreement is not required. Instead, proposed NOM Chapter IV, Section 3(i) adds an additional listing mechanism for certain qualifying options on ETFs to be listed on the Exchange in a manner that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposal would promote just and equitable principles of trade. When the surveillance agreement requirement was instituted as discussed in 2001 on Phlx, the oldest options exchange in the Group, ETFs were, comparatively speaking, in a developmental state.[34] The first ETF introduced in 1993 was a broad-based domestic equity fund tracking the S&P 500 index. After the introduction of the first ETF in 1993, the development of ETF products was very limited during the first decade of their existence. Since the end of 2001, when there was a total of only 102 ETFs listed on U.S. markets, however, the ETF market has matured tremendously and grown exponentially. With a total of 1,194 listed ETFs at the end of 2012, the ETF market is now one of the most highly-developed, sophisticated markets with many very well known, highly traded and liquid products that provide traders and investors the opportunity to access practically all industries and enterprises. While investor demand for ETFs in all asset classes increased substantially, in 2011 the demand for global and international equity ETFs, to which the requirement applies, more than doubled.[35] The Exchange believes that the current surveillance requirement no longer serves a necessary function in today's highly developed market, and, as discussed, actually creates a dynamic that negatively impacts the number of markets that can competitively trade ETF option products. This hurts market participants. The Exchange therefore proposes to establish that pursuant to proposed NOM Chapter IV, Section 3(i) options may be listed on certain ETFs that are based on global and international funds and meet generic listing standards.

The proposal would in general protect investors and the public interest. The Exchange believes that modifying the surveillance agreement requirement for ETFs would not hinder the Exchange from performing surveillance duties designed to protect investors and the public interest. There are various data consolidators, vendors, and outlets that can be used to access data and information regarding ETFs and the underlying securities (*e.g.,* Bloomberg, Dow Jones, FTEN). In addition, firms that list ETFs on an exchange receive vast amounts of data relevant to their products that could be made available to listing exchanges as needed. The Exchange has access to the activity of the direct underlying instrument and the ETF, and through the Intermarket Surveillance Group (''ISG'') the Exchange can obtain such information related to the underlying security as needed.[36] Moreover, other than the surveillance agreement requirement there are, as discussed, numerous requirements must be met to list options on ETFs on the Exchange.

The proposal would remove impediments to and perfect the mechanism of a free and open market and a national market system. Multiple listing of ETFs, options, and other securities and competition are some of the central features of the current national market system. The Exchange believes that the surveillance agreement requirement has led to clearly anti-competitive results in a market that is based on competition. As such, the Exchange believes that the surveillance agreement requirement for options on certain ETFs is no longer necessary and proposes new NOM Chapter IV, Section 3(i). The proposed rule change will significantly benefit market participants. As discussed at length, the proposed rule will negate the negative anti-competitive effect of the current surveillance agreement requirement that has resulted in de facto regulatory monopolies where only solitary exchanges, or only a few exchanges, are able to list certain ETF options products. The Exchange believes this is inconsistent with Commission policies and the developing national market system, as well as the competitive nature of the market, and therefore proposes amendment.[37] The Exchange believes that the proposal would encourage a more open market and national market system based on competition and multiple listing. The generic listing standards for ETFs based on global or international indexes have specific requirements regarding relative weighting, minimum capitalization, minimum trading volume, and minimum number of components that have been approved by the Commission years ago for foreign ETFs.[38] Moreover, such listing standards have been in continuous use for listing options on

[32] 15 U.S.C. 78f(b).

[33] 15 U.S.C. 78f(b)(5).

[34] *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001)(SR–Phlx 2000–107)(ETF approval order).

[35] *http://www.icifactbook.org/fb_ch3.html.*

[36] *See https://www.isgportal.org/home.html. Another global organization similar to ISG is T*he International Organization of Securities Commissions (''IOSCO'').

[37] As discussed, the Exchange is decidedly not proposing that the surveillance agreement requirement be deleted entirely, but rather that only those options on ETFs that do not meet very specific generic listing standards need to have surveillance agreements in order to list on the Exchange.

[38] *See* Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66993 (November 17, 2006)(SR–Amex–2006–78)(initial order relating to generic listing standards for ETFs based on international or global indexes). *See also* NASDAQ Rule 5705(a)(3)(A)(ii) and (b)(3)(A)(ii).

narrow-based and broad-based indexes on the Exchange.[39] Allowing the listing of options on underlying ETFs based on global and international indexes that meet generic listing standards would encourage a free and open market and national market system to the benefit of market participants.

For the above reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal is, as discussed, decidedly pro-competitive and is a competitive response to the inability to list products because of the surveillance agreement requirement. The Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Competition is one of the principal features of the national market system. The Exchange believes that this proposal will expand competitive opportunities to list and trade products on the Exchange as noted.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[40] and Rule 19b–4(f)(6) thereunder.[41]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[42] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[43] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of the operative delay will allow the Exchange to list and trade certain ETF options on the same basis as other options markets.[44] The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[45]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–097 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–097. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–097, and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

Jill M. Peterson,

Assistant Secretary.

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BILLING CODE 8011–01–P

[39] *See* Chapter XIV, Sections 6 and 3.

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[42] 17 CFR 240.19b–4(f)(6).

[43] 17 CFR 240.19b–4(f)(6)(iii).

[44] *See supra* note 7.

[45] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[46] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75738 ; File No. SR–NASDAQ–2015–095]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the AltShares Long/Short High Yield Fund of ETFis Series Trust I

August 19, 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 7, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the AltShares Long/Short High Yield Fund (the ''Fund'') of ETFis Series Trust I (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Funds are collectively referred to herein as the ''Shares.'' The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). The Exchange believes the proposed rule change raises no significant issues not previously addressed in prior Commission orders.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares [4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Delaware series trust on September 20, 2012.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund is a series of the Trust.

Description of the Shares and the Fund

Etfis Capital LLC is the investment adviser (''Adviser'') to the Fund. Bramshill Investments, LLC is the investment sub-adviser to the Fund (the ''Sub-Adviser''). The Sub-Adviser is responsible for daily portfolio management and all investment decisions for the Fund. ETF Distributors LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon Corporation (''BNY'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, nonpublic information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a broker-dealer, although it is affiliated with the Distributor, a broker-dealer. The Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Sub-Adviser is not a broker-dealer and is not affiliated with a broker-dealer. In the event (a) the Adviser or the Sub-Adviser becomes newly affiliated with a broker-dealer [8] or registers as a broker-dealer, or (b) any new adviser or new sub-adviser is a registered broker-dealer or is or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely (the ''Exemptive Order''), granting certain exemptive relief to the investment adviser to the Fund under the 1940 Act. *See* Investment Company Act Release No. 30607 (July 23, 2013) (File No. 812–14080).

[6] *See* Post-Effective Amendment No. 40/41 to Form N–1A Registration Statement for the Trust, dated May 4, 2015 (File Nos. 333–187668 and 811–22819) (the ''Registration Statement''). The description of the Fund and the Shares contained herein is based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser, the Sub-Adviser and each such party's related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with applicable federal securities laws as defined in Rule 204A–1(e)(4). Accordingly, procedures designed to prevent the communication and misuse of nonpublic information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] In the case of the Adviser, which is already affiliated with a broker-dealer and has implemented a fire wall with respect to such affiliated broker-dealer, this refers to a new affiliation with an additional broker-dealer.

applicable, regarding access to information concerning the composition and/or changes to the Fund portfolio and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such portfolio.

Investment Objective

The Fund's investment objective is to seek current income and capital appreciation with reduced volatility over time.

Principal Investments

The Fund will seek to achieve its investment objective primarily by investing in a portfolio of ''high yield'' debt securities of U.S. companies.

Under normal market conditions,[9] the Fund will hold long positions in high yield debt securities selected because the Sub-Adviser believes they are likely to outperform the market over time or increase in value in the near term (the ''Long Position''), and will hold short positions in high yield debt securities selected because the Sub-Adviser believes they are likely to lose value in the near or longer term (the ''Short Position'').

The Fund will not have any portfolio maturity limitation and may invest its assets in instruments with short-term, medium-term or long-term maturities. Issuers of securities in which the Fund expects to invest will include large and medium capitalization companies, and may include small capitalization companies. The Sub-Adviser expects the Fund's investment portfolio to include up to 200 different securities positions with a target portfolio net exposure (the market value of the Long Position minus the market value of the Short Position) of between −20% and 100%.

In selecting securities for the Fund's portfolio, the Sub-Adviser generally will analyze debt securities included in the Bloomberg USD Corporate High Yield Bond Index (the ''Bloomberg High Yield Index''). While the Fund may invest directly in high yield debt securities, the Sub-Adviser may also implement the Fund's strategy by investing in exchange-traded pools (which will consist of exchange-traded funds,[10] exchange-traded notes,[11] or closed-end funds, and each of which will be listed for trading on a U.S. exchange) (''ETPs'') that invest a significant portion of their portfolios in high yield debt instruments (''High Yield ETPs'').

Positions in high-yield debt securities also may include foreign debt securities traded on U.S. or foreign exchanges or in U.S. or foreign over-the-counter markets, which may be denominated in foreign currencies. (Any currency hedging will be accomplished by taking long or short positions in ETPs.)

''High yield debt securities'' generally include debt securities that are rated lower than ''BBB−'' by Standard & Poor's Ratings Group or ''Baa3'' by Moody's Investors Service, Inc. or at a similar level by another nationally recognized statistical rating organization, or are unrated but are deemed to be of comparable quality by the Sub-Adviser. These securities consist of senior and subordinated corporate debt obligations (bonds, debentures, notes and commercial paper). The Fund may invest in the foregoing corporate debt obligations, senior bank loans (including through loan assignments and loan participations), preferred stocks, municipal bonds, convertible bonds and convertible preferred stocks.[12] The Fund will not invest in other types of high-yield debt securities, such as asset-backed securities. The Fund will not be limited to investing in high-yield securities, so any of the securities listed may also be investment grade. The Fund may invest in U.S. treasuries.

The Fund

As a result of its trading strategy, the Fund expects to engage in frequent portfolio transactions that will likely result in higher portfolio turnover than other similar investment companies. Portfolio turnover is a ratio that indicates how often the securities in an investment company's portfolio change during a year. A higher portfolio turnover rate indicates a greater number of changes, and a lower portfolio turnover rate indicates a smaller number of changes. Under normal circumstances, the anticipated annual portfolio turnover rate for the Fund is expected to be greater than 100%.

Other Investments

The Fund may invest in other types of investments, as set forth in this section. In addition to investing in High Yield ETPs as discussed under Principal Investments, the Fund could invest in other fixed-income ETPs—but will not invest in leveraged ETPs. Due to legal limitations, the Fund will be prevented from purchasing more than 3% of an ETF's outstanding shares unless: (i) The ETF or the Fund has received an order for exemptive relief from the 3% limitation from the Commission that is applicable to the Fund; and (ii) the ETF and the Fund take appropriate steps to comply with any conditions in such order. The Fund may invest in warrants.[13]

In certain adverse market, economic, political, or other conditions, the Fund may temporarily depart from its normal investment policies and strategy, provided that the alternative is consistent with the Fund's investment objective and is in the best interest of the Fund. At such times, the Fund may invest in cash or cash equivalents, such as money market instruments,[14] and to the extent permitted by applicable law and the Fund's investment restrictions, the Fund may invest in shares of money market mutual funds. Under such circumstances, the Fund may invest up to 100% of its assets in these investments and may do so for extended periods of time. Under normal circumstances, however, the Fund may also hold money market instruments and/or shares of money market mutual funds for various reasons including to provide for funds awaiting investment, to accumulate cash for anticipated purchases of portfolio securities, to allow for shareholder redemptions and to provide for the Fund's operating expenses.

The Fund anticipates investing entirely in fully liquid assets, but it has the flexibility to invest up to 15% of its net assets in illiquid securities and other

[9] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income or other securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or *force majeure* type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In periods of extreme market disturbance, the Fund may take temporary defensive positions, by overweighting its portfolio in cash/cash-like instruments; however, to the extent possible, the Adviser would continue to seek to achieve the Fund's investment objectives.

[10] *See* Nasdaq Rules 5705.

[11] *See* Nasdaq Rules 5710.

[12] Convertible bonds and convertible preferred stocks in which the Fund invests, and the equity securities into which these securities may be converted, and also preferred stocks (non-convertible) in which the Fund invests, generally will be exchange-traded. The Sub-Adviser's current expectation is that at least 80% of these securities will be exchange-traded. At least 90% of these exchange-traded securities will be traded on exchanges that are Intermarket Surveillance Group (''ISG'') members.

[13] Warrants in which the Fund invests, and the equity securities into which these warrants may be converted, generally will be exchange-traded. The Sub-Adviser's current expectation is that at least 80% of these securities will be exchange-traded. At least 90% of these exchange-traded securities will be traded on exchanges that are ISG members.

[14] The money market instruments in which the Fund may invest are short-term (less than one-year) notes issued by (i) the U.S. government, (ii) an agency of the U.S. government, or (iii) a U.S. corporation.

illiquid assets.[15] Under the supervision of the Board of Trustees of the Trust (the ''Trust Board''), the Sub-Adviser will determine the liquidity of the Fund's investments, and through reports from the Sub-Adviser, the Trust Board monitors investments in illiquid instruments. In determining the liquidity of the Fund's investments, the Sub-Adviser may consider various factors including: (i) The frequency of trades and quotations; (ii) the number of dealers and prospective purchasers in the marketplace; (iii) dealer undertakings to make a market; (iv) the nature of the security (including any demand or tender features); and (v) the nature of the marketplace for trades (including the ability to assign or offset the Fund's rights and obligations relating to the investment). If through a change in values, net assets, or other circumstances, the Fund were in a position where more than 15% of its net assets were invested in illiquid securities or other illiquid assets, it would seek to take appropriate steps to protect liquidity. In keeping with the foregoing focus on liquidity, the Fund will generally seek to invest in high-yield debt securities, bank loans, and other debt issuances that the Sub-Adviser deems to be liquid, with readily available prices. The Fund will only invest in bank loans that have a par amount outstanding of U.S. $100 million or greater at the time the loan is originally issued. The Fund will not enter into a long or short position in high yield debt securities with a par amount outstanding of less than U.S. $100 million at the time of issuance of such high yield debt securities, if upon establishing such position, the total value of such positions would represent fifty percent or greater of the Fund's net assets.

The Fund may not invest more than 25% of the value of its total assets in securities of issuers in any particular industry.[16]

The Fund's investments (including investments in ETPs) will not be utilized to seek to achieve a leveraged return on the Fund's net assets. The Fund will not invest in futures contracts, will not invest in options, will not invest in swaps, and will not invest in other derivative instruments.

The Shares

The Fund will issue and redeem Shares only in Creation Units, through the Distributor, without a sales load (but subject to transaction fees), at the net asset value (''NAV'') next determined after receipt of an order in proper form, on a continuous basis every day except weekends and specified holidays, pursuant to the terms of the agreement executed with each Authorized Participant (as defined below). The NAV of the Fund will be determined once each business day, normally as of the close of regular trading on the NYSE, generally, 4:00 p.m. Eastern time.[17] Creation Unit sizes will be 25,000 Shares per Creation Unit.

The consideration for purchase of a Creation Unit will consist of either (i) an in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') for each Creation Unit constituting a substantial replication, or a representation, of the securities included in the Fund's portfolio and an amount of cash (the ''Cash Component'') computed as described below or (ii) cash totaling the NAV of the Creation Unit (''Deposit Cash''). The ''Cash Component'' will be an amount equal to the difference between the NAV of the shares (per Creation Unit) and the market value of the Deposit Securities. The Fund may also effect a portion of an otherwise in-kind creation or redemption for cash, in accordance with the Exemptive Order.

As applicable, (i) the Deposit Securities and the Cash Component, together, or (ii) the Deposit Cash, will constitute the ''Fund Deposit,'' which will represent the minimum initial and subsequent investment amount for a Creation Unit of the Fund. If the Cash Component is a positive number (*i.e.,* the NAV per Creation Unit exceeds the market value of the Deposit Securities), the Cash Component will be such positive amount. If the Cash Component is a negative number (*i.e.,* the NAV per Creation Unit is less than the market value of the Deposit Securities), the Cash Component will be such negative amount and the creator will be entitled to receive cash from the Fund in an amount equal to the Cash Component. The Cash Component will serve the function of compensating for any difference between the NAV per Creation Unit and the market value of the Deposit Securities.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must be (i) a ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') or (ii) a Depository Trust Company (''DTC'') Participant (a ''DTC Participant''). In addition, each Participating Party or DTC Participant (each, an ''Authorized Participant'') must execute an agreement that has been agreed to by the Distributor and the Fund Administrator, BNY, with respect to purchases and redemptions of Creation Units.

BNY, through the NSCC, will make available on each business day, immediately prior to the opening of business on the Exchange's Regular Market Session (currently 9:30 a.m. Eastern time), the list of the names and the required number of shares of each Deposit Security to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. Such Fund Deposit, subject to any relevant adjustments, will be applicable in order to effect purchases of Creation Units of the Fund until such time as the next announced composition of the Deposit Securities is made available.

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through BNY and only on a business day.

With respect to the Fund, BNY, through the NSCC, will make available immediately prior to the opening of business on the Exchange (9:30 a.m. Eastern time) on each business day, the list of the names and share quantities of the Fund's portfolio securities (''Fund Securities'') that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day. Fund Securities received on redemption

[15] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), FN 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[16] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[17] NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* ''Net Asset Value'' below and see ''Determination of Net Asset Value'' in the Registration Statement.

may not be identical to Deposit Securities.

Unless cash redemptions are available or specified for the Fund, the redemption proceeds for a Creation Unit will consist of Fund Securities as announced by BNY on the business day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge as set forth in the Registration Statement. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of one or more Fund Securities.

The creation order and redemption order cut off time for the Fund is expected to be 3:00 p.m. Eastern time. On days when the Exchange closes earlier than normal and in the case of custom orders, the Fund may require orders for Creation Units to be placed earlier in the day.

Net Asset Value

The NAV per Share for the Fund will be computed by dividing the value of the net assets of the Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV. The NAV of the Fund will be calculated by BNY and determined at the close of regular trading on the NYSE (ordinarily 4:00 p.m. Eastern time) on each day that such exchange is open. In calculating the Fund's NAV per Share, investments will generally be valued by using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, a pricing service, or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a pricing service, or a major market maker (or dealer).[18]

ETPs, exchange-traded fixed income securities, exchange-traded convertible securities, exchange-traded warrants and any other exchange traded securities will be valued at the official closing price on their principal exchange or board of trade, or lacking any current reported sale at the time of valuation, at the mean between the most recent bid and asked quotations on the principal exchange or board of trade. Portfolio securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at the close of the exchange representing the principal market for such securities. Fixed-income securities traded over-the-counter (including high yield fixed-income securities and money market instruments); warrants traded over-the-counter; and convertible securities traded over-the-counter will be valued at the mean between the most recent available bid and asked quotations provided by parties that make a market in the instrument. If recent bid and asked quotations are not available, these securities will be valued in accordance with the Fund's fair valuation procedures. Money market instruments with maturities of less than 60 days will be valued at amortized cost. Shares of mutual funds that are not exchange-listed will be valued at their net asset value.

Notwithstanding the foregoing, in determining the value of any security or asset, the Fund may use a valuation provided by a pricing vendor employed by the Trust and approved by the Trust Board. The pricing vendor may base such valuations upon dealer quotes, by analyzing the listed market, by utilizing matrix pricing, by analyzing market correlations and pricing and/or employing sensitivity analysis.

The Adviser may use various pricing services, or discontinue the use of any pricing service, as approved by the Trust Board from time to time. A price obtained from a pricing service based on such pricing service's valuation matrix may be considered a market valuation. Any assets or liabilities denominated in currencies other than the U.S. dollar will be converted into U.S. dollars at the current market rates on the date of valuation as quoted by one or more sources.

In the event that current market valuations are not readily available or such valuations do not reflect current market value, the Trust's procedures require the Adviser's Pricing Committee to determine a security's fair value in accordance with the Fund's fair value pricing procedures, which are approved by the Trust Board and consistent with the 1940 Act.[19] In determining such value the Adviser's Pricing Committee may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators. In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

Availability of Information

The Fund's Web site, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include additional quantitative information updated on a daily basis, including, for the Fund: (1) The prior business day's reported NAV, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[20] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters; and (3) daily trading volume. On each business day, before commencement of trading in Shares in the Regular Market Session[21] on the Exchange, the Trust will disclose on its Web site the identities and quantities of the portfolio of securities and other

[18] Under normal market conditions, the Fund will obtain pricing information on all of its assets from these sources.

[19] The Valuation Committee of the Trust Board will be responsible for the oversight of the pricing procedures of the Fund and the valuation of the Fund's portfolio. The Valuation Committee has delegated day-to-day pricing responsibilities to the Adviser's Pricing Committee, which will be composed of officers of the Adviser. The Pricing Committee will be responsible for the valuation and revaluation of any portfolio investments for which market quotations or prices are not readily available. The Trust and the Adviser have implemented procedures designed to prevent the use and dissemination of material, nonpublic information regarding valuation and revaluation of any portfolio investments.

[20] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of such Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[21] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 7 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[22]

On a daily basis, the Fund will disclose for each portfolio security and other asset of the Fund the following information on the Fund's Web site (if applicable): Name, ticker symbol, CUSIP number or other identifier, if any; type of holding (such as ''bond'', ''note'', ''preferred stock'', ''ETP'', ''mutual fund''); quantity held (as measured by, for example, number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holdings in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735 as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[23] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. In addition, during hours when the local markets for foreign securities in the Fund's portfolio are closed, the Intraday Indicative Value will be updated at least every 15 seconds during the Regular Market Session to reflect currency exchange fluctuations.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and to provide a close estimate of that value throughout the trading day.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available from the Fund free upon request, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.*

Intra-day, executable price quotations on the high yield debt securities, bank loans, warrants, other fixed-income and convertible securities, including cash and cash equivalents, ETPs and other assets held by the Fund are available from major broker-dealer firms or on the exchange on which they are traded, if applicable. The foregoing, intra-day price information is available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by Authorized Participants and other investors. The previous day's closing price and trading volume information for the exchange-traded securities held by the Fund will be published daily in the financial section of newspapers. Quotation and last sale information for the exchange-traded securities held by the Fund will be available via UTP Level 1, as well as Nasdaq proprietary quote and trade services.

Information regarding market price and volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via UTP Level 1, as well as Nasdaq proprietary quote and trade services.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [24] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts and Trading Pauses

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 7:00 a.m. until 8:00 p.m. Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[25] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity.

[22] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[23] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[24] *See* 17 CFR 240.10A–3.

[25] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. In addition, the Exchange may obtain information from the Trade Reporting and Compliance Engine (''TRACE''), which is the FINRA-developed vehicle that facilitates mandatory reporting of over-the-counter secondary market transactions in eligible fixed income securities.[26]

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares or other exchange-traded securities with other markets and other entities that are ISG members, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares; exchange-traded fixed income securities; exchange-traded warrants; exchange-traded convertible securities; ETPs; or other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares; exchange-traded warrants; exchange-traded fixed-income securities; exchange-traded convertible securities; ETPs; or other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[27] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities, including corporate debt securities and money market instruments, held by the Fund reported to FINRA's TRACE.

In addition, the Exchange also has a general policy prohibiting the distribution of material, nonpublic information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how and by whom information regarding the Intraday Indicative Value and the Disclosed Portfolio is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund' Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act[28] in general and Section 6(b)(5) of the Act[29] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on Nasdaq during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. The Adviser is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Fund's portfolio holdings will be disclosed on its Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service will be widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via UTP Level 1, as well as Nasdaq proprietary quote and trade services. Intra-day, executable price quotations on the high yield debt securities, bank loans, other fixed-income and convertible securities, including cash and cash equivalents, ETPs and other assets held by the Fund are available from major broker-dealer firms or on the exchange on which they are traded, if applicable. The foregoing

[26] All broker/dealers who are FINRA member firms have an obligation to report transactions in corporate bonds to TRACE.

[27] For a list of the current members of ISG, *see www.isgportal.org.*

[28] 15 U.S.C. 78f.

[29] 15 U.S.C. 78f(b)(5).

intra-day price information is available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted if the circuit breaker parameters in Nasdaq Rule 4120(a)(11) have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–095 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–095. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–095 and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20937 Filed 8–24–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75730; File No. SR–NSCC–2015–802]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Amendment No. 1 and No Objection to Advance Notice Filing, as Modified by Amendment No. 1, to Establish a Prefunded Liquidity Program As Part of NSCC's Liquidity Risk Management

August 19, 2015.

On June 26, 2015, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–NSCC–2015–802 (''Advance Notice'') pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Payment, Clearing and Settlement Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') to establish a ''Prefunded Liquidity Program'' through the private placement of unsecured

[30] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated NSCC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, NSCC is required to comply with the Clearing Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

debt. The Advance Notice was published for comment in the **Federal Register** on August 3, 2015.[3] NSCC filed Amendment No. 1 to the Advance Notice on July 30, 2015.[4] The Commission did not receive any comments on the Advance Notice. This publication serves as notice of filing Amendment No. 1 and of no objection to the Advance Notice, as modified by Amendment No. 1.

I. Description of the Advance Notice, as Modified by Amendment No. 1

As described by NSCC in its Advance Notice, as modified by Amendment No. 1, NSCC has proposed to establish the Prefunded Liquidity Program to raise prefunded liquidity and diversify its liquidity resources through the private placement of unsecured debt, consisting of a combination of short-term promissory notes (''Commercial Paper Notes'') and extendible-term promissory notes (''Extendible Notes,'' together with the Commercial Paper Notes, ''Notes''), to institutional investors in an aggregate amount not to exceed $5 billion. The proceeds from the Prefunded Liquidity Program will supplement NSCC's existing liquidity resources, which collectively provide NSCC with liquidity to complete end-of-day settlement in the event of the default of an NSCC Member.[5]

Terms of the Prefunded Liquidity Program. NSCC has engaged an issuing and paying agent, as well as certain placement agent dealers, to develop a program to issue the Notes. The Notes will be issued to institutional investors through a private placement and offered in reliance on an exemption from registration under Section 4(a)(2) of the Securities Act of 1933.[6] NSCC will be party to certain transaction documents required to establish the Prefunded Liquidity Program, including an issuing and paying agent agreement and a dealer agreement with each of the placement agent dealers. The dealer agreements each will be based on the standard form of dealer agreement for commercial paper programs, which is published by the Securities Industry and Financial Markets Association. The material terms and conditions of the Prefunded Liquidity Program are summarized below.

The Prefunded Liquidity Program will be established as a combination of both Commercial Paper Notes, which typically have shorter maturities, and Extendible Notes, which typically have longer maturities. NSCC intends to structure the Prefunded Liquidity Program such that the maturities of the issued Notes are staggered to avoid concentrations of maturing liabilities. The average maturity of the aggregate Notes outstanding issued under the Prefunded Liquidity Program is broadly estimated to range between three and six months. The Commercial Paper Notes and the Extendible Notes will be represented by one or more master notes issued in the name of The Depository Trust Company (''DTC'') or its nominee. The Notes will be issued only through the book-entry system of DTC and will not be certificated.

The Commercial Paper Notes either will be interest bearing or sold at a discount from their face amount, and the Extendible Notes will be interest bearing. Interest payable on the Notes will be at market rates customary for such type of debt and reflective of the creditworthiness of NSCC. The Commercial Paper Notes will have a maturity not to exceed 397 calendar days from the date of issue and will not be redeemable by NSCC prior to maturity, nor will they contain any provision for extension, renewal, automatic rollover or voluntary prepayment. The Extendible Notes will have an initial maturity of 397 calendar days from the date of issue. However, each month following the date of issue, the holder of an Extendible Note will be permitted to elect to extend the maturity of all or a portion of the principal amount of such Extendible Note for an additional 30 calendar days. A holder of an Extendible Note will be permitted to continue to extend its Extendible Note up to the final maturity date, which is expected to be a maximum of six years from the date of issue. If a holder of an Extendible Note fails to exercise its right to extend the maturity of all or a portion of the Extendible Note, such portion of the Extendible Note would be deemed to be represented by a new note (''Non-Extended Note''), and NSCC would have the option to redeem any Non-Extended Note in whole, but not in part, at any time prior to the maturity date of that Non-Extended Note, which would be 12 months from the date on which they opted not to extend.

NSCC will hold the proceeds from the issuance of the Notes in a cash deposit account at the Federal Reserve Bank of New York (''FRBNY'')[7] and invest the proceeds in the same manner it invests Clearing Fund deposits in accordance with the DTCC Investment Policy.[8] Pending the establishment of NSCC's account at the FRBNY, such proceeds will be maintained in accounts with creditworthy financial institutions and invested in the same manner as NSCC invests Clearing Fund deposits in accordance with the DTCC Investment Policy. Acceptable investments for Clearing Fund deposits under DTCC's Investment Policy include reverse repurchase agreements, money market mutual fund investments, bank deposits and commercial paper bank sweep deposits. In all cases, amounts will be available to draw to complete settlement as needed.

NSCC Liquidity Risk Management. As described by NSCC, as a central counterparty (''CCP''), NSCC occupies an important role in the securities settlement system by interposing itself between counterparties to financial transactions, thereby reducing the risk faced by its Members and contributing to global financial stability. NSCC's liquidity risk management framework plays an integral part in NSCC's ability to perform this role and is designed to ensure that NSCC maintains sufficient liquid resources to timely meet its payment (principally settlement) obligations with a high degree of confidence.

NSCC's liquidity needs are driven by the requirement to complete end-of-day settlement, on an ongoing basis, in the event of Member default. If an NSCC Member defaults, as a CCP for the cash markets, NSCC would need to complete settlement of guaranteed transactions on the failing Member's behalf from the date of default through the remainder of

[3] *See* Securities Exchange Act Release No. 75541 (July 28, 2015), 80 FR 46072 (August 3, 2015) (File No. SR–NSCC–2015–802).

[4] In Amendment No. 1, NSCC further specifies the proposed investment of the proceeds of the Prefunded Liquidity Program, as described below.

[5] Terms not defined herein are defined in NSCC's Rules and Procedures (''Rules'') *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.* The events that constitute a Member default are specified in NSCC's Rule 46 (Restrictions on Access to Services), which provides that NSCC's Board of Directors may suspend a Member or prohibit or limit a Member's access to NSCC's services in enumerated circumstances; this includes default in delivering funds or securities to NSCC, or a Member's experiencing such financial or operational difficulties that NSCC determines, in its discretion, that restriction on access to services is necessary for its protection and for the protection of its membership.

[6] 15 U.S.C. 77d(a)(2).

[7] Pursuant to Section 806(a) under the Payment, Clearing and Settlement Supervision Act, and Section 234.6 of the Federal Reserve Regulation HH promulgated thereunder, NSCC, as a designated systemically important financial market utility under the Payment, Clearing and Settlement Supervision Act, has applied for a cash deposit account at the FRBNY, as well as subscription to ancillary FRBNY services that would facilitate the use of the requested cash deposit account. *See* 12 U.S.C. 5465(a); 12 CFR 234.6. The application is pending with the FRBNY as of the date of this notice.

[8] NSCC will submit a proposed rule change with the Commission pursuant to Section 19(b)(1) of the Exchange Act, and the rules thereunder, which specify how NSCC will invest the proceeds of the Notes under the DTCC Investment Policy. *See* 15 U.S.C. 78s(b)(1).

the settlement cycle (currently three days for securities that settle on a regular way basis in the U.S. equities markets).

NSCC measures and manages its liquidity risk by performing daily simulations that measure the amount of liquidity NSCC would require in a number of scenarios, including amounts required over the settlement cycle in the event that the Member or Member family to which NSCC has the largest aggregate liquidity exposure defaults. NSCC seeks to maintain qualified liquidity resources in an amount sufficient to meet this requirement. NSCC's existing liquidity resources include: (1) The cash in NSCC's Clearing Fund; (2) the cash that would be obtained by drawing upon NSCC's committed 364-day credit facility with a consortium of banks (''Line of Credit''); and (3) additional cash deposits, known as ''Supplemental Liquidity Deposits,'' designed to cover the heightened liquidity exposure arising around monthly option expiry periods, required from those Members whose activity would pose the largest liquidity exposure to NSCC.[9] The proceeds from the Prefunded Liquidity Program will supplement these liquidity resources. Further, NSCC will consider the proceeds from the Prefunded Liquidity Program to be qualifying liquidity resources under NSCC's Rule 4A.

NSCC states that by providing NSCC with additional, prefunded, and readily available liquidity resources to be used to complete end-of-day settlement as needed in the event of a Member default, the proposed Prefunded Liquidity Program will provide additional certainty, stability, and safety to NSCC, its Members, and the U.S. equities market that it serves. The Prefunded Liquidity Program also is designed to reduce NSCC's concentration risk with respect to its liquidity resources because it is anticipated that many of the potential institutional investors who would be purchasers of the Notes are not currently providing liquidity resources to NSCC.

The Prefunded Liquidity Program was developed in coordination with a standing advisory group, the Clearing Agency Liquidity Council (''CALC''), which includes representatives of NSCC's Members and participants of NSCC's affiliate, the Fixed Income Clearing Corporation. The CALC was established in 2013 to facilitate dialogue between these clearing agencies and their participants regarding liquidity initiatives.

II. Discussion and Commission Findings

Although the Payment, Clearing and Settlement Supervision Act does not specify a standard of review for an advance notice, the Commission believes that the stated purpose of the Payment, Clearing and Settlement Supervision Act is instructive.[10] The stated purpose of the Payment, Clearing and Settlement Supervision Act is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[11]

Section 805(a)(2) of the Payment, Clearing and Settlement Supervision Act [12] authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the supervisory agency or the appropriate financial regulator. Section 805(b) of the Payment, Clearing and Settlement Supervision Act [13] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Payment, Clearing and Settlement Supervision Act (''Clearing Agency Standards'') and the Exchange Act.[14] The Clearing Agency Standards became effective on January 2, 2013, and require registered clearing agencies to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[15] As such, it is appropriate for the Commission to review advance notices against these Clearing Agency Standards, and the objectives and principles of these risk management standards as described in Section 805(b) of the Payment, Clearing and Settlement Supervision Act.[16]

The Commission believes the proposal in the Advance Notice is consistent with the objectives and principles described in Section 805(b) of the Payment, Clearing and Settlement Supervision Act,[17] and the Clearing Agency Standards, in particular, Rule 17Ad–22(b)(3) [18] under the Exchange Act, as described in detail below.

The objectives and principles of Section 805(b) of the Payment, Clearing and Settlement Supervision Act are to promote robust risk management, promote safety and soundness, reduce systemic risks, and support the stability of the broader financial system.[19] By diversifying the type and source of NSCC's liquidity, the Commission believes that the Prefunded Liquidity Program will reduce NSCC's overall liquidity risk consistent with prudent risk-management practices. Given that NSCC has been designated as a systemically important financial market utility,[20] NSCC's ability to provide its clearing services upon a member default contributes to safety, soundness, and reduces systemic risks, all of which supports the stability of the broader financial system. Therefore, the Commission believes the proposal is consistent with the objectives and principles described in Section 805(b) of the Payment, Clearing and Settlement Supervision Act.

Rule 17Ad–22(b)(3) [21] under the Exchange Act requires a CCP, such as NSCC, to ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [m]aintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions . . . .'' NSCC's proposal to establish a Prefunded Liquidity Program will diversify NSCC's liquidity resources, further reduce NSCC's overall liquidity

[9] Supplemental Liquidity Deposits are described in NSCC Rule 4A.

[10] *See* 12 U.S.C. 5461(b).

[11] *Id.*

[12] 12 U.S.C. 5464(a)(2).

[13] 12 U.S.C. 5464(b).

[14] 17 CFR 240.17Ad–22.

[15] The Clearing Agency Standards are substantially similar to the risk management standards established by the Board of Governors of the Federal Reserve System governing the operations of designated financial market utilities that are not clearing entities and financial institutions engaged in designated activities for which the Commission or the Commodity Futures Trading Commission is the Supervisory Agency. *See* Financial Market Utilities, 77 FR 45907 (August 2, 2012).

[16] 12 U.S.C. 5464(b).

[17] *Id.*

[18] 17 CFR 240.17Ad–22(b)(3).

[19] 12 U.S.C. 5464(b).

[20] Financial Stability Oversight Council, 2012 Annual Report, Appendix A, p. 110 and Appendix A, *available at http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Appendix%20A%20Designation%20of%20Systemically%20Important%20Market%20Utilities.pdf.*

[21] 17 CFR 240.17Ad–22(b)(3).

risk, and, thus, help it maintain sufficient financial resources to withstand, at a minimum, a default by an NSCC member to which NSCC has the largest exposure. As such, the Commission believes that the proposal is consistent with Rule 17Ad–22(b)(3).

III. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Payment, Clearing and Settlement Supervision Act,[22] that the Commission *does not object* to Advance Notice, as modified by Amendment No. 1, and that NSCC is *authorized* to implement the proposal.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20929 Filed 8–24–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75735; File No. SR–MIAX–2015–52]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 19, 2015.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to establish fees for the MIAX Financial Information Exchange (''FIX'') Drop Copy Port.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on September 1, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 to establish a monthly port fee of $500 per port for the use of the new MIAX FIX Drop Copy Port.

Currently, the Exchange assesses fees for the use of its FIX Ports. A FIX Port is an interface with MIAX systems that enables the Port user (typically an Electronic Exchange Member (''EEM'') [3] or a Market Maker [4]) to submit orders electronically to MIAX.

The proposed FIX Drop Copy Port is a messaging interface that will provide a copy of real-time trade execution information to FIX Drop Copy Port users who subscribe to the service. FIX Drop Copy Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only. The Exchange proposes to assess a monthly per port fee to users of the FIX Drop Copy Ports.

MIAX currently assesses fees for Exchange connectivity and services used by Members. Such Exchange connectivity is gained through various ports. MIAX currently assesses monthly per port fees for FIX Ports. Similarly, the Exchange is proposing to establish a monthly per port fee for the use of the FIX Drop Copy Port.

The FIX Drop Copy Port provides the user with a copy of real-time trade execution updates. The updates contain a copy of trade execution messages on a low latency, real-time basis. A FIX Drop Copy Port can be configured to monitor any number of FIX Ports used by that EEM and a FIX Port user can have any number of FIX Drop Copy Ports. The FIX Drop Copy Port will send messages containing reports of order executions to the user based upon the group of FIX Ports that it is configured to monitor. Other order related messages will not be sent via the FIX Drop Copy port.

MIAX will assess a FIX Drop Copy Port fee of $500 per port per month. Similar to the FIX Port Fees, the FIX Drop Copy Port Fee will be based on the number of FIX Drop Copy Ports to which a user subscribes and the fee includes connectivity to the Exchange's primary, secondary and disaster recovery data centers at no additional cost. The Exchange intends to assess the fee on a per port basis for the data and information used in trading options contracts and ongoing entitlement management and configuration. The Exchange believes that this should enable it to remain competitive with other exchanges with respect to fees charged for similar ports.[5]

The Exchange is also proposing to amend the Fee Schedule's Table of Contents to reflect the addition of the FIX Drop Copy Port Fee in new Section (5)(d)(iv).

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [6] in general, and furthers the objectives of Section 6(b)(4) of the Act [7] in particular, in that it is an equitable allocation of reasonable fees and other charges.

[22] 12 U.S.C. 5465(e)(1)(I).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Electronic Exchange Member'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''Market Makers'' refers to ''Lead Market Makers,'' ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. A Lead Market Maker is a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of these Rules with respect to Lead Market Makers. A Primary Lead Market Maker is a Lead Market Maker appointed by the Exchange to act as the Primary Lead Market Maker for the purpose of making markets in securities traded on the Exchange. A Registered Market Maker is a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange, who is not a Lead Market Maker. *See* Exchange Rule 100.

[5] *See* NYSE Arca Options Fees and Charges, p. 12 [sic]; NYSE Amex Options Fee Schedule, p. 24. Both NYSE Arca Options and NYSE Amex Options charge $500 per port per month for a drop copy port and do not charge for a drop copy port which is connected to their respective backup datacenters if it is configured such that it is duplicative of other drop copy ports.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

The Exchange believes that this amendment is equitable and not unfairly discriminatory because the Exchange is uniformly assessing the FIX Drop Copy Port Fees on all users that wish to subscribe to it.

The Exchange further believes that the proposed FIX Drop Copy Port Fee is reasonable because it is within the range of similar fees charged by other exchanges, and because the FIX Drop Copy Port is offered as an optional service for those users who wish to subscribe to it.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed fees for services provided to its Members and others using its facilities will not have an impact on competition. In fact, MIAX's proposed FIX Drop Copy Port Fee is comparable to fees charged by other options exchanges for the same or similar services.[8]

The FIX Drop Copy Port is offered as an additional service for users at a price that is within the range of prices for similar ports offered by other exchanges, and therefore the Exchange believes that the price of the port fee does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and subparagraph (f)(2) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2015–52 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2015–52. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2015–52, and should be submitted on or before September 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20932 Filed 8–24–15; 8:45 am]

BILLING CODE 8011–01–P

[8] *See supra* note 5.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75736; File No. SR–CBOE–2015–045]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, Relating to Rule 6.53C and Complex Orders on the Hybrid System

August 19, 2015.

I. Introduction

On May 12, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify CBOE Rule 6.53C, Complex Orders on the Hybrid System, regarding eligibility for participation in the Complex Order Book (''COB'') and the Complex Order Auction (''COA''). The proposed rule change was published for comment in the **Federal Register** on May 27, 2015.[3] On June 3, 2015, CBOE filed Amendment No.1 to the proposed rule change.[4] On July 6, 2015, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change, to August 25, 2015.[5] The Commission has received no comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act[6] to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75003 (May 20, 2015), 80 FR 30306 (''Notice'').

[4] Amendment No. 1 to the proposed rule change amended the statutory basis and burden on competition sections regarding distinguishing between Professional and non-Professional orders for purposes of determining eligibility for COA.

[5] *See* Securities Exchange Act Release No. 75359 (July 6, 2015), 80 FR 39821 (July 10, 2015).

[6] 15 U.S.C. 78s(b)(2)(B).

determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

The Exchange seeks to modify CBOE Rule 6.53C to allow the Exchange to further distinguish between the complex order origin types that are eligible for the COB and COA.[7] Currently, under CBOE Rule 6.53C, the Exchange may determine whether orders from non-broker dealer public customers, broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialists on an options exchange are eligible for entry into the COB or COA. Under these current COA and COB eligibility parameters, there is no distinction between professional public customers and non-professional public customers.

The Exchange proposes to modify CBOE Rule 6.53C so that it could determine whether the following two additional types of market participants are eligible for entry into the COB and the COA: (i) Non-broker-dealer public customers that are Voluntary Professional Customers or Professional Customers (herein, ''Professionals'') and (ii) non-broker-dealer public customers that are not Voluntary Professional Customers or Professional Customers.

CBOE states that it is proposing this change so that it may prevent orders from Professionals from triggering a COA. According to the Exchange, CBOE participants currently may cancel and replace their complex orders as often as they wish without incurring any cancellation fees. Each order that meets the eligibility requirements detailed in CBOE Rule 6.53C,[8] including cancellations and replacements, generates a new COA. The Exchange states that few of the complex orders entered by Professional Customers that trigger a COA actually execute in the auction process.[9] Accordingly, CBOE believes that allowing COA eligibility to be determined by origin code (*e.g.,* by whether the order comes from a Professional), which permits CBOE to prevent orders from Professionals from triggering a COA, will ''eliminate the clutter of unnecessary Professional COA messages, as well as increase the likelihood of executions for public customers.'' [10] The Exchange further believes that allowing Professionals to participate in the COA can be detrimental to non-professional public customer order flow.[11] The Exchange also believes that ''removing unnecessary Professional COA messages may encourage more participants to provide auction responses (ultimately increasing the likelihood of executions for public customers . . .) because fewer unnecessary COA messages will most likely increase the proportion of responses that lead to an execution.'' [12]

III. Proceedings To Determine Whether To Approve or Disapprove SR–CBOE–2015–045 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [13] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Act,[14] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and comment on, whether the proposed rule change is consistent with: Section 6(b)(5) of the Act,[15] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and Section 6(b)(8) of the Act,[16] which requires that the rules of a national securities exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposed rule change would provide the Exchange discretion to determine whether two additional groups of market participants are eligible for entry into the COA and COB: (i) Professionals and (ii) non-broker-dealer public customers that are not Professionals.[17] The Commission believes that the proposal raises important issues that warrant further public comment and Commission consideration regarding whether the proposal would result in unfair discrimination or would impose an unnecessary and or inappropriate burden on competition to the extent the Exchange exercises its proposed discretion and excludes either of the two categories of market participants discussed above from the COA and COB.

In light of these issues and concerns, the Commission believes that questions arise regarding whether the proposal is consistent with the requirements of Sections 6(b)(5) and 6(b)(8) of the Act. As the Commission continues to evaluate the issues presented by the proposal, the Commission solicits comment on whether the proposal is consistent with the Act and whether the Exchange has met its burden in presenting a statutory analysis of how its proposal is consistent with the Act. In particular, the grounds for disapproval under consideration include whether the Exchange's proposal is consistent with Sections 6(b)(5) [18] and 6(b)(8) [19] of the Act.

In addition, under the Commission's rules of procedure, a self-regulatory organization that proposes to amend its rules bears the burden of demonstrating

[7] The COA is a feature within CBOE's Hybrid System that exposes eligible complex orders for price improvement. In classes where the COA is activated, eligible orders are electronically exposed for an exposure period. At the conclusion of the COA process, the order is then allocated or, to the extent not executed, sent to the COB or routed. *See* Notice, 80 FR at 15264.

[8] A COA-eligible order is a complex order that, as determined by the Exchange on a class-by-class basis, is eligible for COA considering the order's marketability (defined as a number of ticks away from the current market), size, complex order type, and complex order origin type. *See* Rule 6.53C(d)(1). This proposed rule change would change the term ''complex order origin type'' to ''complex order origin code.''

[9] For example, in Amendment No. 1, the Exchange notes that orders for Professionals made up 52% of COA auctions but resulted in 0.62% of COA executions in the month of February 2015. The Exchange states that this is a representative example of Professional orders participation and execution rates in the COA.

[10] *See* Notice, 80 FR at 30307.

[11] *See id.*

[12] *See* Amendment No. 1 at 4.

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Exchange Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(8).

[17] Under the current Rule, CBOE already may determine that Broker-dealers that are not Market-Makers or specialists on an options exchange and Market-Makers or specialists on an options exchange are not eligible for entry into the COA and COB pursuant to CBOE Rule 6.53C.

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78f(b)(8).

that its proposal is consistent with the Act.[20] In this regard:

> the description of the proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding. Any failure of the self-regulatory organization to provide the information elicited by Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder that are applicable to the self-regulatory organization.[21]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5) and 6(b)(8) [22] or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[23] any request for an opportunity to make an oral presentation.[24]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by September 15, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 29, 2015. In light of the concerns raised by the proposed rule change, as discussed above, the Commission invites additional comment on the proposed rule change as the Commission continues its analysis of whether the proposed rule change is consistent with Section 6(b)(5),[25] Section 6(b)(8),[26] and all other provision of the Act, or the rules and regulations thereunder. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission invites comment on the following:

1. Would excluding orders submitted by Professionals from entry into the COA or COB adversely affect the ability of Professionals to execute their orders? Why or why not?

2. Do commenters agree with the Exchange that there are an excessive number of Professional COA messages that adversely affect the likelihood of executions for non-broker-dealer public customers that are not Professionals? Would excluding Professionals orders from the COA increase the likelihood of, or otherwise impact, executions for non-broker-dealer public customers that are not Professionals? If so, how?

3. Is the volume of auction messages generated by Professionals disruptive to the auction process? If so, how?

4. Are there other methods that involve less potential for unfair discrimination that could be used to reduce the volume of messages?

5. Do Professionals want their orders to be eligible for entry into the COA or the COB? Why or why not?

6. Although the Exchange states that the proposal is intended to allow the Exchange to prevent Professionals from entry into the COB or COA, the proposed rule change, as drafted, would also allow the Exchange to determine that non-broker-dealer public customers that are not Professionals Customers are not eligible for entry into both the COA and the COB. Do commenters believe that excluding non-broker-dealer public customers that are not Professionals from the COA and COB is consistent with the Act? Is so, why? If not, why not?

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–CBOE–2015–045 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–CBOE–2015–045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–045 and should be submitted by September 15, 2015. Rebuttal comments should be submitted by September 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Jill M. Peterson,

Assistant Secretary.

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[20] Rule 700(b)(3), 17 CFR 201.700(b)(3).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(5) and (b)(8).

[23] 17 CFR 240.19b–4.

[24] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78f(b)(8).

[27] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75737; File No. SR–MSRB–2015–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Amendment No. 1 to Proposed Rule Change Consisting of Proposed New Rule G–42, on Duties of Non-Solicitor Municipal Advisors, and Proposed Amendments to Rule G–8, on Books and Records To Be Made by Brokers, Dealers, Municipal Securities Dealers, and Municipal Advisors

I. Introduction

On April 24, 2015, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change consisting of proposed new Rule G–42, on duties of non-solicitor municipal advisors, and proposed amendments to Rule G–8, on books and records to be made by brokers, dealers, municipal securities dealers, and municipal advisors. The proposed rule change was published for comment in the **Federal Register** on May 8, 2015.[3] The Commission received fifteen comment letters on the proposal.[4] On June 16, 2015, the MSRB granted an extension of time for the Commission to act on the filing until August 6, 2015. On August 6, 2015, the Commission issued an order instituting proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.[6] On August 12, 2015, the MSRB responded to the comments [7] and filed Amendment No. 1 to the proposed rule change.[8] The text of Amendment No. 1 and the MSRB's letter are available on the MSRB's Web site. The Commission is publishing this notice to solicit comments on Amendment No. 1 to the proposed rule change from interested persons.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Amendment

The MSRB is proposing to delete, in Proposed Rule G–42(a)(ii), the phrase '', without limitation,'' to address any ambiguity regarding the relationship between additional fiduciary duties and the specified duties of care and loyalty. The MSRB, however, emphasizes the proposed amendment in no respect narrows or otherwise substantively modifies the scope of the fiduciary duty to which a municipal advisor would be subject under Proposed Rule G–42. Under Proposed Rule G–42(a)(ii), a municipal advisor is subject to a fiduciary duty that includes a duty of loyalty and a duty of care. It has been the MSRB's intent from the inception of this rulemaking initiative not to purport to comprehensively set forth every aspect of the fiduciary duty that may be owed under the broad principle that Congress determined should apply to municipal advisors to municipal entity clients. Instead, Proposed Rule G–42 is designed primarily to set forth the core principles of the fiduciary duty that a municipal advisor would owe to its municipal entity client, and address and provide guidance on certain conduct that is likely to occur and issues that are likely to arise in the provision of municipal advisory services. Although it is not possible for the MSRB to set forth every aspect of a fiduciary duty in Proposed Rule G–42 and the MSRB has not sought to do so, the MSRB nevertheless believes that the proposed rule change will provide municipal advisors with significant helpful guidance in understanding many aspects of their fiduciary duty and the conduct that is required of them.[9]

The MSRB is also proposing amendments to streamline the steps needed to comply with proposed sections (b) and (c) generally, which are also responsive to comments received regarding the combined requirements of the proposed paragraphs.[10] In proposed Rule G–42(b), the MSRB proposes to combine the substantially similar disclosures of conflicts of interest in proposed paragraphs (b)(i)(A) and (b)(i)(G) as new proposed paragraph (b)(i)(F) and delete proposed paragraphs (b)(i)(A) and (b)(i)(G). The MSRB also would renumber proposed paragraphs (b)(i)(B) through (b)(i)(F), respectively, as proposed paragraphs (b)(i)(A) through (B)(i)(E).

The MSRB proposes amendments regarding proposed section (c), which requires the documentation of the municipal advisory relationship in writing, and, in proposed subsection (c)(ii), which provides that a municipal advisor must include in the documentation the disclosures of conflicts of interest and other information (*i.e.,* information regarding certain legal or disciplinary events as specified in proposed subsection (b)(ii)). Under the proposed amendment, a municipal advisor would not be required to provide the disclosure of conflicts of interest and other information required under proposed subsection (c)(ii) if the municipal advisor previously fully complied with the requirements of proposed section (b) to disclose such information and proposed subsection (c)(ii) would not require the disclosure of any materially different information than that previously disclosed to the client. The MSRB believes that the proposed amendment, to be incorporated in Proposed Rule G–42 as the third sentence of new proposed paragraph .06 of the Supplementary Material, entitled ''Relationship Documentation,'' would permit a municipal advisor to avoid making duplicative disclosures regarding its conflicts of interest and other matters. The proposed amendment also would include, as the first two sentences of new proposed paragraph .06, the un-numbered paragraph previously located after proposed subsection (c)(vii). The MSRB believes that the material set forth in the un-numbered paragraph, which relates to updating and supplementing the relationship documentation, is more appropriately organized with the proposed amendment relating to proposed subsection (c)(ii) discussed above, and, therefore, proposes to organize such un-numbered paragraph in new proposed paragraph .06. Finally, with the incorporation of new proposed paragraph .06, proposed paragraphs .06 through .12 of the Supplementary Material would be renumbered, respectively, as proposed paragraphs .07 through .13 of the Supplementary Material.

The MSRB also proposes to amend, in response to comments, proposed subsection (c)(iv) of Rule G–42 of the original proposed rule change to require a municipal advisor, at the time of making the disclosures required under proposed subsections (c)(iii) and (c)(iv), to provide its clients with a brief explanation of the basis for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 74860 (May 4, 2015), 80 FR 26752 (''Notice''). The comment period closed on May 29, 2015.

[4] Comment letters are available at *www.sec.gov/comments/sr-msrb-2015-03/msrb201503.shtml.*

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Securities Exchange Act Release No. 75628 (August 6, 2015), 80 FR 48355 (August 12, 2015). The comment period closes on September 11, 2015.

[7] *See* Letter from Michael L. Post, MSRB, to Secretary, SEC, dated August 12, 2015 (''MSRB Response Letter''), available at *http://www.sec.gov/comments/sr-msrb-2015-03/msrb201503-19.pdf.*

[8] *See* Letter from Michael L. Post, MSRB, to Secretary, SEC, dated August 12, 2015 (''MSRB Amendment Letter''), available at *http://www.sec.gov/comments/sr-msrb-2015-03/msrb201503-20.pdf.*

[9] *See* Notice, 80 FR 26752, at 26762.

[10] *See* Notice, 80 FR 26752, at 26762–26763.

materiality of the change or addition to its Forms MA and MA–I. The proposed amendment would supplement a proposed requirement that the municipal advisor provide the date of the last material change or addition to the legal or disciplinary event disclosures on any Form MA or Form MA–I to the client. The proposed amendment to include the explanation of materiality would allow a municipal advisor client to assess the effect that such change or addition may have on the municipal advisory relationship and evaluate whether it should seek or review additional information.

In response to a concern raised in the comments, the MSRB proposes to clarify, in proposed section (d), a specific requirement applicable to a recommendation made by a municipal advisor, and distinguish it from the requirements a municipal advisor is subject to when reviewing a recommendation made by another party. The proposed amendment to proposed section (d) would add a statement providing that ''a municipal advisor making a recommendation must have a reasonable basis to believe that the recommended municipal securities transaction or municipal financial product is suitable for the client,'' which would clarify the proposed requirement that the municipal advisor must determine, based on the information obtained through the reasonable diligence of such municipal advisor, whether the municipal securities transaction or municipal financial product is suitable for the client. The proposed amendment would state more explicitly that a municipal advisor would be prohibited from making recommendations to clients regarding municipal securities transactions and municipal financial products that are unsuitable for such clients. To further clarify proposed section (d), the MSRB also proposes to modify proposed subsection (d)(ii) to provide that the requirement to inform the client that a recommendation is unsuitable potentially arises only in the context of the review of a recommendation of another, by adding the parenthetical phrase ''(as may be applicable in the case of a review of a recommendation).''

The MSRB also proposes a minor amendment to clarify proposed Rule G–42(e)(i)(B), which prohibits a municipal advisor from delivering an invoice for fees or expenses for municipal advisory activities that do not accurately reflect the activities actually performed or the personnel that actually performed those activities. Specifically, as revised, the provision would prohibit the delivery of such an invoice if it ''is materially inaccurate in its reflection of the activities actually performed or the personnel that actually performed those activities.'' The proposed clarification, which is responsive to comments that expressed concern regarding invoices containing minor or immaterial errors, would incorporate in the proposed provision an explicit, rather than implicit, limitation based on materiality, and is consistent with the MSRB's explanation of the provision in the original proposed rule change.[11]

Finally, Amendment No. 1 would incorporate minor, non-substantive amendments to proposed subsections (e)(ii), regarding prohibited principal transactions. The proposed amendments to proposed subsection (e)(ii) would clarify the provision, to provide:

> A municipal advisor to a municipal entity client, and any affiliate of such municipal advisor, is prohibited from engaging with the municipal entity client in a principal transaction that is the same, or directly related to the, municipal securities transaction or municipal financial product as to which the municipal advisor is providing or has provided advice to the municipal entity client.

Similarly, technical and non-substantive changes would be incorporated in proposed subsection (f)(i), defining the term, ''Engaging in a principal transaction.'' Finally, the proposed amendments to proposed paragraph .11 of the Supplementary Material would renumber the provision as proposed paragraph .12 of the Supplementary Material, as previously noted, and change the reference in the second line of the provision from ''engaging in a principal transaction'' to ''principal transaction'' to conform proposed renumbered paragraph .12 to proposed amended subsection (f)(i).

The MSRB proposes to make the proposed rule change effective six months after Commission approval of all changes.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments regarding the foregoing, including whether the filing as amended by Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–MSRB–2015–03 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2015–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2015–03 and should be submitted on or before September 11, 2015.

For the Commission, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–20936 Filed 8–24–15; 8:45 am]

BILLING CODE 8011–01–P

[11] In the original proposed rule change, the MSRB noted that the scope of inaccuracy targeted by the proposed provision was ''limited to the significant subjects of the services performed and personnel who performed those services.'' *See* Notice, 80 FR 26752, at 26777.

[12] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2015–0050]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers. (OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.* (SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2015–0050].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 26, 2015. Individuals can obtain copies of the collection instrument by writing to the above email address.

Response to Notice of Revised Determination—20 CFR 404.913–404.914, 404.992(b), 416.1413–416.1414, and 416.1492(d)—0960–0347. When SSA determines: (1) Claimants for initial disability benefits do not actually have a disability, or (2) current disability recipients' records show their disability ceased, SSA notifies the disability claimants or recipients of this decision. In response to this notice, the affected claimants and disability recipients have the following recourse: (1) They may request a disability hearing to contest SSA's decision and (2) they may submit additional information or evidence for SSA to consider. Disability claimants, recipients, and their representatives use Form SSA–765 to accomplish these two actions. If respondents request the first option, SSA's Disability Hearings Unit uses the form to schedule a hearing; ensure an interpreter is present, if required; and ensure the disability recipients or claimants and their representatives receive a notice about the place and time of the hearing. If respondents choose the second option, SSA uses the form and other evidence to reevaluate the claimant's case and determine if the new information or evidence will change SSA's decision. The respondents are disability claimants, current disability recipients, or their representatives.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–765	1,925	1	30	963

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 24, 2015. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Physician's/Medical Officer's Statement of Patient's Capability to Manage Benefits—20 CFR 404.2015 and 416.615—0960–0024. SSA appoints a representative payee in cases where we determine beneficiaries are not capable of managing their own benefits. In those instances, we require medical evidence to determine the beneficiaries' capability of managing or directing their benefit payments. SSA collects medical evidence on Form SSA–787 to (1) determine beneficiaries' capability or inability to handle their own benefits, and (2) assist in determining the beneficiaries' need for a representative payee. The respondents are the beneficiary's physicians, or medical officers of the institution in which the beneficiary resides.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–787	120,000	1	10	20,000

2. State Supplementation Provisions: Agreement; Payments—20 CFR 416.2095–416.2098, 20 CFR 416.2099—0960–0240. Section 1618 of the Social Security Act (Act) requires those states administering their own supplementary income payment program(s) to demonstrate compliance with the Act by passing Federal cost-of-living increases on to individuals who are eligible for state supplementary payments, and informing SSA of their compliance. In general, states report their supplementary payment information annually by the maintenance-of-payment levels method. However, SSA may ask them to report up to four times in a year by the total-expenditures method. Regardless of the method, the states confirm their compliance with the requirements, and provide any changes to their optional supplementary payment rates. SSA uses the information to determine each state's

compliance or noncompliance with the pass-along requirements of the Act to determine eligibility for Medicaid reimbursement. If a state fails to keep payments at the required level, it becomes ineligible for Medicaid reimbursement under Title XIX of the Act. Respondents are state agencies administering supplemental programs.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Total Expenditures	7	4	60	28
Maintenance of Payment Levels	26	1	60	26
Total	33			54

3. Continuation of Supplemental Security Income Payments for the Temporarily Institutionalized—Certification of Period and Need to Maintain Home—20 CFR 416.212(b)(1)—0960–0516. When SSI recipients (1) enter a public institution or (2) enter a private medical treatment facility with Medicaid paying more than 50 percent of expenses, SSA must reduce recipients' SSI payments to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of three months), SSA may waive the reduction. Before SSA can waive the SSI payment reduction, the agency must receive the following documentation: (1) A physician's certification stating the SSI recipient will only be institutionalized for a maximum of three months, and (2) certification from the recipient, the recipient's family, or friends, confirming the recipient needs SSI payments to maintain the living arrangements to which the individual will return post-institutionalization. To obtain this information, SSA employees contact the recipient (or a knowledgeable source) to obtain the required physician's certification and the statement of need. SSA does not require any specific format for these items, so long as we obtain the necessary attestations. The respondents are SSI recipients, their family or friends, as well as physicians or hospital staff members who treat the SSI recipient.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Physician's Certifications and Statements from Other Respondents	60,000	1	5	5,000

4. Request for Deceased Individual's Social Security Record—20 CFR 402.130—0960–0665. When a member of the public requests an individual's Social Security record, SSA needs the name and address of the requestor as well as a description of the requested record to process the request. SSA uses the information the respondent provides on Form SSA–711, or via an Internet request through SSA's electronic Freedom of Information Act (eFOIA) Web site, to (1) verify the wage earner is deceased and (2) access the correct Social Security record. Respondents are members of the public requesting deceased individuals' Social Security records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Internet Request through eFOIA	49,800	1	7	5,810
SSA–711 (paper)	200	1	7	23
Total	50,000			5,833

Cost Burden *:

In addition, SSA charges fees to the respondent for this information. The following charts shows the fees per transaction based on the information the respondent provides on the SSA–711 (or in eFOIA):

Modality of completion	Information provided (or not provided)	Cost per transaction
SSA–711 (paper)	SSN of decedent is not provided	$29
SSA–711 (paper)	SSN of decedent is provided	27
eFOIA (Internet)	SSN of decedent is not provided	18
eFOIA (Internet)	SSN of decedent is provided	18

* As these costs are dependent on the respondent's provided information, we charge them on an as needed basis, and cannot provide a total annual estimate of the cost burden. We do not know whether the respondent provided the decedent's SSN until we manually review and process each SSA–711.

5. Electronic Health Records Partnering Program Evaluation Form—20 CFR 404.1614, 416.1014, 24 CFR 495.300–495.370—0960–0798. The Health Information Technology for Economic and Clinical Health (HITECH) Act promotes the adoption and meaningful use of health information technology (IT), particularly in the context of working with government agencies. Similarly, section 3004 of the Public Health Service Act requires health care providers or health insurance issuers with government contracts to implement, acquire, or upgrade their health IT systems and products to meet adopted standards and implementation specifications. To support expansion of SSA's health IT initiative as defined under HITECH, SSA developed Form SSA–680, the Health IT Partner Program Assessment—participating Facilities and Available Content Form. The SSA–680 allows healthcare providers to provide the information SSA needs to determine their ability to exchange health information with us electronically. We evaluate potential partners (*i.e.,* healthcare providers and organizations) on (1) the accessibility of health information they possess, and (2) the content value of their electronic health records' systems for our disability adjudication processes. SSA reviews the completeness of organizations' SSA–680 responses as one part of our careful analysis of their readiness to enter into a health IT partnership with us. The respondents are healthcare providers and organizations exchanging information with the agency.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–680	30	1	5	150

Dated: August 20, 2015.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2015–21045 Filed 8–24–15; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Deadline for Comments on U.S. International Trade Commission Report

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of deadline for comments.

Summary and Dates: In late August, the U.S. International Trade Commission (USITC) is expected to release the public version of its statutorily-mandated report, requested by the Office of the United States Trade Representative (USTR), providing advice on the probable economic effect of granting a waiver of the application of competitive need limitations (CNLs) to two products from Thailand. Comments on the USITC report on these products should be submitted via *www.regulations.gov* in docket number USTR–2015–0007, per the guidelines described below, within seven calendar days of the public release of the USITC report.

FOR FURTHER INFORMATION CONTACT: The GSP Program at the Office of the United States Trade Representative. The telephone number is (202) 395–2974, the fax number is (202) 395–9674, and the email address is *gsp@ustr.eop.gov*.

SUPPLEMENTARY INFORMATION: On July 6, 2015, USTR announced in the **Federal Register** (80 FR 38501) the launch of a review of products under the Generalized System of Preferences (GSP) program that, based on full-year 2014 import data, are subject to certain actions related to competitive need limitations (CNLs). That notice indicated that two products from Thailand—HTS 2008.19.15 and HTS 7408.29.10—will be removed from eligibility for GSP for Thailand on October 1, 2015, unless the President grants a waiver for the product for Thailand in response to a petition filed by an interested party. The government of Thailand subsequently filed petitions seeking CNL waivers for both products. Pursuant to U.S. law and regulations pertaining to GSP, USTR requested the USITC provide advice regarding the probable economic effect of granting the subject waivers.

The USITC is expected to release the public version of its report on these two waiver requests in late August 2015. Comments on the USITC report should be submitted to USTR via *www.regulations.gov* in Docket Number USTR–2015–0007, per the guidelines described below, within seven calendar days after the date of the release of the report.

Requirements for Submissions

All submissions in response to this notice must conform to the GSP regulations set forth at 15 CFR part 2007, except as modified in *Generalized System of Preferences (GSP): Notice of a GSP Product Review, Including Possible Actions Related to Competitive Need Limitations* (80 FR 38501) published on July 6, 2015. These regulations are available on the Office of the United States Trade Representative Web site at *https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf*.

All submissions in response to this notice must be in English and must be submitted electronically via *http://www.regulations.gov,* using docket number USTR–2015–0007. Instructions on how to file documents on *http://www.regulations.gov* can be found in the referenced July 6, 2015 **Federal Register** notice (80 FR 38501), available at *http://www.regulations.gov/#!documentDetail;D=USTR-2015-0007-0001*. Hand-delivered submissions will not be accepted.

Public Viewing of Review Submissions

Submissions in response to this notice, except for information granted ''business confidential'' status under 15 CFR part 2003.6, will be available for public viewing pursuant to 15 CFR part 2007.6 at *http://www.regulations.gov* upon completion of processing. Such submissions may be viewed by entering the docket number USTR–2015–0007 in

the search field at *http://www.regulations.gov*.

William D. Jackson,

Deputy Assistant U.S. Trade Representative for the Generalized System of Preferences, Office of the U.S. Trade Representative.

[FR Doc. 2015–21067 Filed 8–24–15; 8:45 am]

BILLING CODE 3290–F5–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Under the Caribbean Basin Trade Partnership Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Curaçao meets certain customs criteria of the Caribbean Basin Trade Partnership Act and, therefore, imports of eligible products from Curaçao qualify for the enhanced trade benefits provided under the Act.

DATES: *Effective date:* August 18, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Estelle Ryckman, Senior Advisor, Office of the United States Trade Representative, (202) 395–9585.

SUPPLEMENTARY INFORMATION: The Caribbean Basin Trade Partnership Act (Title II of the Trade and Development Act of 2000, Pub. L. 106–200) (CBTPA) expands the trade benefits available to Caribbean and Central American beneficiary countries under the Caribbean Basin Economic Recovery Act (CBERA). The enhanced trade benefits provided by the CBTPA are available to imports of eligible products from countries that (1) the President designates as CBTPA beneficiary countries, and (2) meet the requirements of the CBERA relating to implementation of customs procedures and requirements similar to those in Chapter 5 of the North American Free Trade Agreement (NAFTA) that assist the U.S. Customs and Border Protection (CBP) in verifying the origin of the products.

In Proclamation 9072 of December 23, 2013, the President designated Curaçao as a CBERA and a CBTPA beneficiary country. In that proclamation, the President also delegated to the United States Trade Representative (USTR) the authority to determine whether Curaçao is meeting the customs criteria of the CBERA. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement any such determinations through modifications to the Harmonized Tariff Schedule (HTS) of the United States.

Based on information and commitments provided by Curaçao to date, I have determined that Curaçao satisfies the requirements of section 213(b)(4)(A)(ii) of the CBERA relating to the implementation of procedures and requirements similar in all material respects to those in Chapter 5 of the NAFTA. Accordingly, pursuant to the authority vested in the USTR by Proclamation 9072, the HTS is modified by (i) modifying general note 17(a) to the Harmonized Tariff Schedule of the United States by adding in alphabetical sequence ''Curaçao,'' and (ii) modifying U.S. note 1 to subchapter XX of chapter 98 by inserting in alphabetical sequence ''Curaçao,'', effective with respect to articles entered, or withdrawn from warehouse, on the date of this notice.

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2015–20921 Filed 8–24–15; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration, (NHTSA), Department of Transportation.

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for denying a petition submitted to NHTSA, 49 U.S.C. 30162, 49 CFR part 552, requesting that the agency open ''an investigation into low-speed surging in different models of Toyota automobiles in which the car starts accelerating and the engine RPM increases even when the accelerator pedal is not depressed.''

FOR FURTHER INFORMATION CONTACT: Mr. Stephen McHenry, Vehicle Control Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone 202–366–4883. Email *stephen.mchenry@dot.gov.*

SUPPLEMENTARY INFORMATION:

1.0 Introduction

Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the agency conducts a technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(c); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the agency, or it may include the collection of information from the motor vehicle manufacturer and/or other sources. After considering the technical review and taking into account appropriate factors, which may include, among others, allocation of agency resources, agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect, and the likelihood of success in any necessary enforcement litigation, the agency will grant or deny the petition. *See* 49 U.S.C. 30162(d); 49 CFR 552.8.

2.0 Petition Background Information

In a letter dated June 19, 2015, Dr. Gopal Raghavan (the petitioner) requested that NHTSA open ''an investigation into low-speed surging in different models of Toyota automobiles in which the car starts accelerating and the engine RPM increases even when the accelerator pedal is not depressed.'' Dr. Raghavan based his request on his analysis of EDR data from an accident involving his wife and from two other accidents in Toyota vehicles. NHTSA has reviewed the material cited by the petitioner. The results of this review and our evaluation of the petition are set forth in the DP15–005 Petition Analysis Report, published in its entirety as an appendix to this notice.

After a thorough assessment of the material submitted by the petitioner, the information already in NHTSA's possession, and the potential risks to safety implicated by the petitioner's allegations, it is unlikely that an order concerning the notification and remedy of a safety-related defect would result from any proceeding initiated by the granting of Dr. Raghavan's petition. After full consideration of the potential for finding a safety related defect in the vehicle, and in view of NHTSA's enforcement priorities, its previous investigations into this issue, and the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's mission, the petition is denied.

Appendix—Petition Analysis—DP15–005

1.0 Introduction

On June 29, 2015, the National Highway Traffic Safety Administration (NHTSA) received a June 19, 2015 letter from Dr. Gopal Raghavan, Ph.D. EE (the petitioner), petitioning the agency ''for an investigation into low-speed surging in different models of Toyota automobiles in which the car starts accelerating and the engine RPM increases even when the accelerator pedal is not depressed.'' In support of this request, the petitioner provides his analysis of Event Data Recorder (EDR) data from three accidents, which he alleges, ''shows a troubling similarity amongst EDRs of Toyota cars showing sudden acceleration.''

2.0 Petition Analysis

2.1 EDR Pre-Crash Data

Since the petition is based on several misconceptions about Toyota EDR pre-crash data, a short background of this system is provided. The Toyota EDR collects pre-trigger data (vehicle speed, engine speed, brake switch status, and accelerator pedal position sensor #1 voltage) from the vehicle's High Speed Controller Area Network (HS–CAN), which is refreshed either periodically or immediately by the respective control modules.

TABLE 1—EDR PRE-CRASH PARAMETERS, BY REFRESH RATE [2]

Parameter	Refresh rate	Resolution
Brake Switch	Immediately	On/Off.
Engine RPM	24 ms	400 RPM.[1]
Vehicle Speed	500 ms	2 km/h.[2]
Accelerator Rate	512 ms	0.039 volts.

The EDR continuously performs 1 Hz sampling of HS–CAN pre-trigger data and stores the data in a temporary buffer. The EDR only saves this data, along with the trigger data, when it detects a triggering event such as a crash.[3] Table 1 shows the refresh rates and resolutions for the pre-crash data signals. Any analysis of EDR data for Toyota vehicles should apply these data time tolerances and resolutions at each of the pre-crash data points.

In 2010, NHTSA's Vehicle Research and Test Center (VRTC) conducted testing to validate the EDR pre-crash data used in NHTSA field investigations.[4] Figure 1 shows accelerator pedal sensor voltage data from one test performed by VRTC in the validation testing.[5] As the figure shows, the EDR does not necessarily capture all accelerator pedal applications during an event and the accelerator pedal voltage recorded at each EDR time interval may not be the actual accelerator pedal voltage at that interval.

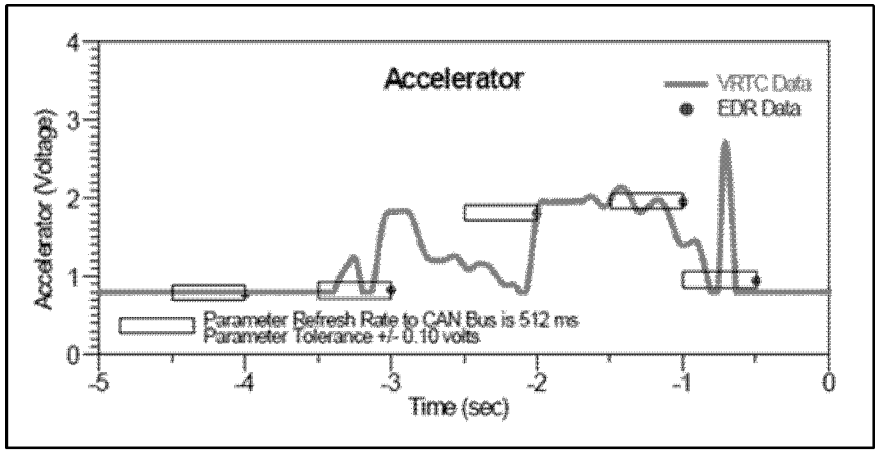

Figure 1. VRTC validation testing of EDR accelerator pedal sensor voltage from simulated collisions in a 2007 Toyota Camry.

Subsequent studies have confirmed the limitations of stored EDR pre-crash data in capturing the entire crash event due to the data refresh rates, data resolutions and EDR sampling rates.[6] [7] [8]

The Bosch CDR report provided with the petition clearly notes these issues in the first two items of Data Limitations section on page one of the report:

- Due to limitations of the data recorded by the airbag ECU, such as the resolution, data range, sampling interval, time period of the recording, and the items recorded, the information provided by this data may not be sufficient to capture the entire crash.
- Pre-Crash data is recorded in discrete intervals. Due to different refresh rates within the vehicle's electronics, the data recorded may not be synchronous to each other.

2.2 Crashes Cited by Petitioner

2.2.1 2009 Lexus ES350

The first incident identified by the petitioner involved a sudden acceleration accident experienced by his wife as she

[1] EDR recorded data are rounded down in the indicated resolution increments.

[2] These values apply to ES350 and Camry vehicles involved in two of the incidents identified by the petitioner. The third vehicle, a 2010 Toyota Corolla, has a slower refresh rate for Engine RPM (524 ms).

[3] An event is triggered by detection of a deceleration of approximately 2 g's.

[4] ''Event Data Recorder—Pre Crash Data Validation of Toyota Products,'' NHTSA–NVS–2011–ETC–SR07, February 2011.

[5] ''Event Data Recorder—Pre Crash Data Validation of Toyota Products,'' NHTSA–NVS–2011–ETC–SR07, February 2011, page 13.

[6] Brown, R., White, S., ''Evaluation of Camry HS–CAN Pre-Crash Data,'' SAE Technical Paper 2012–01–0996, 2012, doi: 10.4271/2012–01–0996.

[7] Brown, R., Lewis, L., Hare, B., Jakstis, M. et al., ''Confirmation of Toyota EDR Pre-crash Data,'' SAE Technical Paper 2012–01–0998, 2012, doi: 10.4271/2012–01–0998.

[8] Ruth, R., Bartlett, W., Daily, J., ''Accuracy of Event Data in the 2010 and 2011 Toyota Camry During Steady State and Braking Conditions,'' SAE Technical Paper 2012–01–0999, 2012, doi: 10.4271/2012–01–0999.

attempted to park the family's 2009 Lexus ES350 on Friday, February 13, 2015 (VOQ 10732103). When interviewed by ODI, Mrs. Raghavan stated that the engine roared as she was coasting into a parking space. She stated that the surge occurred before she applied the brake and that when she applied the brake there was no response or braking action. The vehicle accelerated up onto a sidewalk and into some bushes and a fence. On February 24, 2015, a Toyota representative inspected the vehicle, including a download of EDR data (Table 2).

TABLE 2—PRE-CRASH DATA FOR VOQ 10732103

Time (sec)	−4.6	−3.6	−2.6	−1.6	−0.6	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	3.7 [6]	5 [8]	8.7 [14].
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON.
Accelerator Rate (V)	0.78	0.78	0.78	0.78	2.38	0.78.
Engine RPM (RPM)	400	400	400	800	1,600	1,600.

According to the EDR data, immediately prior to impact (t = 0.6 s) the brake pedal was not applied and the accelerator pedal was depressed to approximately 71 percent of full apply.[9] Based on the recorded vehicle speeds at this time, the vehicle was inside the parking space when the acceleration occurred. At this time and distance from impact, the driver should be applying the brake and not the accelerator to safely stop the vehicle and avoid the collision. Although the driver alleged that the brakes were not effective during the incident, the brakes had no prior history of malfunction and the post-incident inspection did not identify any issues with the brake system. Based on the available information, this incident is consistent with pedal misapplication by the driver and provides no evidence of a vehicle defect.

2.2.2 2010 Toyota Corolla

The second incident identified by the petitioner involved a MY 2010 Toyota Corolla that accelerated into a parked vehicle during an attempted curbside-parking maneuver in a residential neighborhood on June 8, 2014 (VOQ 10637908). NHTSA examined this incident in Defect Petition DP14–003, which the agency closed on April 29, 2015.[10]

In the police report for this accident, the driver states that she stopped at an intersection with the intention of turning right and parking along the curb behind a parked vehicle. When interviewed by ODI, the driver indicated that as she applied the brakes during the incident, the car responded by accelerating. She stated that it did not slow down, and it continued to increase in speed until it hit the back of the parked vehicle. Similar to the current petitioner's incident, the EDR data for this incident (Table 3) shows no recorded service brake application until the airbag module trigger point (t = 0s).

TABLE 3—PRE-CRASH DATA FOR VOQ 10637908

Time (sec)	−4.8	−3.8	−2.8	−1.8	−0.8	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	3.7 [6]	5 [8]	7.5 [12].
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON.
Accelerator Rate (V)	0.78	0.78	0.86	0.78	0.78	0.78.
Engine RPM (RPM)	800	800	800	800	800	1,600.

Based on the vehicle speeds recorded just prior to impact (t = −0.8 s), the Corolla was less than a car length from the parked vehicle and traveling 7 to 9 feet per second with no indication of service brake application. At this speed and distance, the driver should be applying the brake to safely stop the vehicle and avoid the collision. Although the recorded accelerator rate voltages do not show a pedal application corresponding with the surge,[11] VRTC simulation testing verified that unrecorded accelerator pedal applications could produce the increases in vehicle speed and engine speed shown by the EDR in the trigger data.[12] In addition, VRTC accumulated over two thousand miles of testing of this vehicle during DP14–003 with no problems noted in the throttle, transmission or brake systems.[13] As previously determined by NHTSA, this incident does not provide evidence of a vehicle defect.

2.2.3 2009 Toyota Camry

The third incident identified by the petitioner involved a MY 2009 Toyota Camry that accelerated into a building when attempting to park in a storefront facing parking space on December 21, 2009 (VOQ 10299750). This incident was among 58 accidents investigated by NHTSA in 2010 as part of the joint study with NASA. A description of the incident, identified as Case 33 in the NHTSA study, was included as an example of the 39 accidents classified as pedal misapplications in a 2011 report summarizing NHTSA's field investigations.[14]

TABLE 4—PRE-CRASH DATA FOR VOQ 10299750, EDR TOOL VERSION 1.4.1.1

Time (sec)	−4.7	−3.7	−2.7	−1.7	−0.7	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	9.9 [16]	13.7 [22]	19.9 [32]
Brake Switch	OFF	OFF	OFF	OFF	OFF	OFF
Accelerator Rate (V)	0.86	0.82	0.98	0.78	3.71	1.37
Engine RPM (RPM)	400	400	800	1,600	3,200	4,400

[9] According to Toyota, an Accelerator Rate of 2.38 volts indicates an accelerator pedal application of 71 percent.

[10] McHenry, S., ''Denial of Motor Vehicle Defect Petition,'' DP14–003, May 2015.

[11] The data do show a small accelerator pedal application 2.8 seconds prior to the impact.

[12] Collins, W., Stoltzfus, D., ''Evaluation of 2010 Toyota Corolla from DP14–003,'' DP14–003WDC, April 2015, pages 11–13.

[13] Collins, W., Stoltzfus, D., ''Evaluation of 2010 Toyota Corolla from DP14–003,'' DP14–003WDC, April 2015.

[14] ''NHTSA Toyota Pre-Crash EDR Field Inspections during March–August 2010,'' NHTSA–NVS–2011–ETC–SR10, February, 2011, pages 15–16.

As described in the 2011 report, the driver had turned from a lane of traffic to enter a parking space and was about to come to a rest facing a shopping plaza storefront when the vehicle lunged forward through the façade of a hair salon. The driver reported having his foot on the brake when the acceleration occurred. Table 4 shows the EDR pre-crash data for this accident, as published in the 2011 report.[15]

The EDR data for this incident shows no recorded service brake application during the event. Immediately prior to impact and after the vehicle had entered the parking space, the driver pressed the accelerator pedal to the floor when intending to apply the brake.[16] As noted in the 2011 report, this incident is consistent with pedal misapplication by the driver and does not provide any evidence of a vehicle defect as suggested by the petitioner.

2.3 Petitioner Claims and Misconceptions

2.3.1 ''Strong Signature''

According to the petitioner, ''The fact that all three cars were *coasting at 3.7 mph* when the sudden-acceleration happened appears to be a strong signature of a common issue.'' However, even though the EDR data for the three incidents may have reflected speeds of 3.7 mph before the acceleration occurred, the vehicles may not have actually been travelling the same speed. The common speeds recorded in the three vehicles are simply an artifact of the EDR vehicle speed resolution of 2 km/h. In all three incidents, the vehicles were travelling 6.0–7.9 km/h (3.7–4.9 mph) prior to the accelerations, which the Toyota EDR records as 6 km/h (3.7 mph). These are common speeds for low-speed parking maneuvers.

The ''glitch'' in accelerator pedal voltage that the petitioner alleges occurs after the 3.7 mph speed recording, is the voltage increase resulting from the accelerator pedal applications by the drivers. The petitioner claims that the voltage spike suggests a potential vehicle based cause, speculating, ''the accelerator is either calculating an incorrect accelerator value or receiving a noise spike on the accelerator sensor.'' However, such speculation ignores the facts that the accelerator pedal has redundant sensors and that NASA already thoroughly examined this subject during the joint study. The common pattern is that the ''glitches'' occur at the moments in the events when the driver should be initiating braking, but no braking has occurred.

Thus, the only common signature evident in the incidents is that in all three the surges occurred when the driver should have initiated braking for a vehicle entering a parking space at low speed. The fact that the vehicles suddenly accelerated just as they were beginning to enter their intended parking spaces instead of braking to a stop as intended is a signature of pedal misapplication by the driver. NHTSA has observed this signature in investigations of sudden acceleration dating back to the first such investigation that ODI opened in 1978. It is not isolated to any particular makes or models of vehicles or to any throttle design technologies.

2.3.2 Engine RPM Increases

The petitioner claims that each of the incidents he analyzed displays evidence of engine speed increases without any application of the accelerator pedal. For example, in his analysis of his wife's incident he states, ''by −1.6 seconds the engine RPM has DOUBLED to 800 with no depression of the accelerator.'' This assertion reflects a misunderstanding of the manner in which the Toyota EDR samples and records pre-crash data as previously described in this report and in prior reports published by NHTSA.

First, as indicated in this report and in the Data Definitions section on page two of the Bosch CDR report attached to the petition, the Toyota EDR records engine speed in 400 rpm increments (rounded down). For example, a recorded value of 400 rpm indicates that the measured engine speed was between 400 and 799 rpm. Thus, an increase in recorded engine speed from 400 to 800 rpm could result from a change in engine speed of just 1 rpm.

Second, the nominal idle speed for a MY 2009 ES350 when the engine is warm, the transmission is in gear (*i.e.,* either Drive or Reverse), and no accessory loads are operating is approximately 600 rpm. Air-conditioning use and steering input may result in the idle speed increasing to 700 to 800 rpm to compensate for the additional loads placed on the engine by the air-conditioning compressor and power-steering pump. Thus, the actual engine speeds associated with the recorded values of 400 rpm were likely closer to 800 rpm than 400 rpm.[17]

Finally, it is not accurate to state that engine speed increases did not result from accelerator pedal applications based strictly on the recorded EDR data, since the data do not necessarily show all accelerator pedal applications (see section 2.1 and Figure 1) and because of the differences in refresh rates for engine speed and accelerator rate. Although actual engine speed will closely follow accelerator rate, the recorded accelerator rate may slightly lag behind recorded engine speed due to the slower refresh rate of the accelerator signal (see Table 1). Thus, the increase in recorded engine speed at −1.6 seconds prior to impact could very well have resulted from the initial stages of the large pedal application that the EDR recorded at −0.6 seconds.

2.3.3 Case 33

The EDR data used by the petitioner for Case 33 was from the initial readout ODI performed with the original version of software available from Toyota (Table 5). This version converted accelerator pedal sensor #1 voltages to an accelerator status of OFF, MIDDLE or FULL. A supplemental report to the NHTSA February 2011 report included a copy of this readout.[18] This incident is one of many incidents from early field investigations that ODI read a second time after receiving an updated version of Toyota software that provided a more precise indication of accelerator pedal position.[19]

TABLE 5—PRE-CRASH DATA FOR VOQ 10299750, EDR TOOL VERSION 1.3 (ORIGINAL READOUT)

Time (sec)	−4.7	−3.7	−2.7	−1.7	−0.7	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	9.9 [16]	13.7 [22]	19.9 [32]
Brake Switch	OFF	OFF	OFF	OFF	OFF	OFF
Accelerator	OFF	OFF	OFF	OFF	FULL	OFF
Engine RPM (RPM)	400	400	800	1,600	3,200	4,400

Table 4 shows the data from the readout obtained using the updated software. Rather than maintaining a consistent voltage as may be misinterpreted by the OFF accelerator levels shown in Table 5, the accelerator pedal rates in the updated readout in Table 4 show that the driver was applying the accelerator pedal at varying rates throughout the event. Thus, the petitioner's conclusions that the vehicle was coasting and the driver had not depressed the accelerator pedal when the idle speed was increasing are incorrect and do not provide evidence of a vehicle defect.

2.3.4 NASA ''High-Speed Study''

The petitioner incorrectly characterizes the joint NASA–NHTSA study as a ''high-speed study.'' In fact, the joint study focused on all potential vulnerabilities in the Toyota ETCS-i system that were not associated with the

[15] The petitioner based his analysis of this incident on a different EDR readout reviewed later in this report, in Section 2.3.3, ''Case 33.''

[16] The recorded Accelerator Rate of 3.71 volts is well beyond the accelerator rate needed for 100 percent throttle.

[17] Engine speeds that drop below 500 rpm are uncommon in motor vehicles and have been associated with engine stall due to idle undershoot in some ODI investigations of non-Toyota products.

[18] ''Toyota EDR Data from NHTSA Pre-Crash Field Inspections,'' NHTSA–NVS–2011–ETC–SR12, February 2011.

[19] ''Toyota EDR Software Versions Used in NHTSA Unintended Acceleration Field Investigation Cases,'' NHTSA–NVS–2011–ETC–SR08, February 2011, page 8.

floor mat entrapment or sticking accelerator pedal conditions addressed by multiple Toyota safety recalls in 2009 and 2010.[20] Most such incidents examined during the study involved allegations of sudden acceleration in vehicles initially moving at low speeds. The most common scenario for the incidents was acceleration when attempting to park. Thus, contrary to the petitioner's characterization, low-speed surges were the primary focus of the study by NHTSA and NASA in 2010.

The incidents analyzed by the petitioner fall within the scope of prior work conducted in the joint NHTSA–NASA study of Toyota ETCS-i and, more recently, the analysis conducted in evaluating Defect Petition DP14–003. His claims appear to be based on upon several misconceptions regarding the manner in which Toyota EDR sample and record data, as well as a misunderstanding of the scope of and results from prior work conducted by NHTSA, NASA and others related to sudden unintended acceleration and the use of EDR data in related field investigations. The petitioner has presented no new evidence or theories not already considered by NHTSA that warrant reconsideration of any of the analyses or conclusions from that prior work.

3.0 Conclusion

In our view, a defects investigation is unlikely to result in a finding that a defect related to motor vehicle safety exists, or a NHTSA order for the notification and remedy of a safety-related defect as alleged by the petitioner, at the conclusion of the requested investigation. Therefore, given a thorough analysis of the potential for finding a safety related defect in the vehicle, and in view of NHTSA's enforcement priorities, its previous investigations into this issue, and the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission and mitigate risk, the petition is denied. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The agency will take further action if warranted by future circumstances.

Authority: 49 U.S.C. 30162(d); delegations of authority at 49 CFR 1.50 and 501.8.

Frank S. Borris II,

Acting Associate Administrator for Enforcement.

[FR Doc. 2015–20949 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–59–P

[20] The floor mat entrapment and sticking pedal defect conditions were both ''stuck throttle'' type defect conditions, which typically occur at higher speeds when larger accelerator pedal applications necessary to cause the entrapment are more likely.

DEPARTMENT OF TRANSPORTATION

Notice of Meeting of the Advisory Council on Transportation Statistics (ACTS) of the Office of the Assistant Secretary for Research and Technology (OST–R)

AGENCY: Bureau of Transportation Statistics (BTS), U.S. Department of Transportation (DOT).

ACTION: Notice of meeting.

This notice announces, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 72–363; 5 U.S.C. app. 2), a meeting of the Advisory Council on Transportation Statistics (ACTS). The meeting will be held on Thursday, September 10th, 2015 from 8:30 a.m. to 4:00 p.m. EST at the U.S. Department of Transportation, Room E37–302, 1200 New Jersey Ave. SE., Washington, DC. Section 52011 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) directs the U.S. Department of Transportation to establish an Advisory Council on Transportation Statistics subject to the Federal Advisory Committee Act (5 U.S.C., App. 2) to advise the Bureau of Transportation Statistics (BTS) on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department. The following is a summary of the draft meeting agenda: (1) USDOT Welcome and Introduction of Council Members; (2) Update on Current BTS Issues; (3) Discussion about Future Data Products; (4) Program Review; (5) Public Comments and Closing Remarks. Participation is open to the public.

Members of the public who wish to participate must notify Mr. D.Senay Gales at *d.senay.gales@dot.gov*, not later than August 31, 2015. Members of the public may present oral statements at the meeting with the approval of Patricia Hu, Director of the Bureau of Transportation Statistics. Non-committee members wishing to present oral statements or obtain information should contact Mr. D.Senay Gales via email no later than August 31, 2015. Questions about the agenda or written comments may be emailed to *D.Senay.Gales@dot.gov* or submitted by U.S. Mail to: U.S. Department of Transportation, Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics, Attn: Mr. D.Senay Gales, 1200 New Jersey Avenue SE., Room #E34–429, Washington, DC 20590, or faxed to (202) 366–3383. BTS requests that written comments be received by August 31, 2015. Access to the DOT Headquarters building is controlled therefore all persons who plan to attend the meeting must notify Mr. Gales at 202–366–1270 prior to August 31, 2015. Individuals attending the meeting must report to the main DOT entrance on New Jersey Avenue SE., for admission to the building. Attendance is open to the public, but limited space is available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Mr. D.Senay Gales at 202–366–1270 at least seven calendar days prior to the meeting.

Notice of this meeting is provided in accordance with the FACA and the General Services Administration regulations (41 CFR part 102–3) covering management of Federal advisory committees.

Issued in Washington, DC, on the 18th day of August 2015.

Rolf Schmitt,

Deputy Director, Bureau of Transportation Statistics.

[FR Doc. 2015–20969 Filed 8–24–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 19, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 24, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–2246.

Type of Review: Revision of a currently approved collection.

Title: Form 8957—Foreign Account Tax Compliance Act (FATCA) Registration, Form 8966—FATCA Report, 8966–C, Cover Sheet for Form 8966 Paper Submissions.

Form: 8957, 8966, 8809, 8508.

Abstract: Form 8957 is to be used by a foreign financial institution to apply for status as a foreign financial institution as defined in IRC 1471(b)(2). Form 8966 is for reporting purposes and is to be filed by foreign financial institutions to report foreign reportable amounts paid to their current account holders that are nonparticipating FFIs. Form 8966 is further to be filed by a withholding agent to report US owners of certain foreign entities regarding withholdable payments made to these entities. Form 8809–I is an application for an extension of time to file Form 8966. Form 8508–I is a request for a waiver from filing Form 8966 electronically. Form 8966–C is a cover sheet for those submitting a paper version of Form 8966.

Affected Public: Private Sector: Businesses or other For-Profit Institutions.

Estimated Total Burden Hours: 4,446,476 hours.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2015–20911 Filed 8–24–15; 8:45 am]

BILLING CODE 4830–10–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on Women Veterans will conduct a site visit on September 21–24, 2015, in Washington, DC. Meetings are open to the public, except when the Committee is off site for facility tours. Sessions at the Washington DC VA Medical Center and Walter Reed National Military Medical Center will be closed, to protect patient privacy during tours of medical facilities. Closing portions of the sessions are in accordance with 5 U.S.C. 552b(c)(6). Briefings at VA Central Office will be open to the public. The site visit will also include a town hall meeting.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

On September 21, the Committee will convene an open session at VA Central Office, room 930, from 9:00 a.m. to 4:30 p.m. The agenda will include a status review of recommendations from the Committee's 2010, 2012, 2014 reports; an overview of VA initiatives, and a working session for the Committee to develop its response to a Congressionally-mandated study.

On the morning of September 22, the Committee will convene a closed session from 8:30 a.m. to 11:30 a.m., as it visits the Washington DC VA Medical Center, 50 Irving Street NW., Washington, DC 20422. The Committee will reconvene an open session in the afternoon, as it conducts a town hall meeting with the women Veterans community and other stakeholders at the Women's Memorial, located at the ceremonial entrance to Arlington National Cemetery, in Arlington, VA. The town hall meeting will take place from 2:00 p.m. to 3:30 p.m.

On September 23, the Committee will convene an open session at VA Central Office, in the G.V. Sonny Montgomery Conference Center, room 230, from 8:30 a.m. to 4:30 p.m. Briefings will include an update on VA's National Women Veterans Campaign, various women health issues, education and employment initiatives; an update briefing on the 2014 Report of the Advisory Committee on Women Veterans; and continuation of the Committee's working session.

On the morning of September 24, the Committee will convene a closed session, 8:30 a.m. to 2:30 p.m. as it visits Walter Reed National Military Medical Center, 8901 Rockville Pike, Bethesda, MD 20889. In the afternoon, the Committee will reconvene an open session at VA Central Office, in the G.V. Sonny Montgomery Conference Center, room 230 from 3:00 p.m. to 4:30 p.m., to conduct a brief after action discussion.

Members of the public may submit a written statement for the Committee's review to *00W@mail.va.gov,* or by fax at (202) 273–7092. Any member of the public wishing to attend, appear before, or seeking additional information should contact Shannon L. Middleton at (202) 461–6193.

Dated: August 20, 2015.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–20952 Filed 8–24–15; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 80 Tuesday,
No. 164 August 25, 2015

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Late-Season Migratory Bird Hunting Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0064; FF09M21200–156–FXMB1231099BPP0]

RIN 1018–BA67

Migratory Bird Hunting; Proposed Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2015–16 late-season hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in late seasons. These frameworks are necessary to allow State selections of seasons and limits and to allow recreational harvest at levels compatible with population and habitat conditions.

DATES: You must submit comments on the proposed migratory bird hunting late-season frameworks by September 4, 2015.

ADDRESSES: *Comments:* You may submit comments on the proposals by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0064.
- U.S. mail or hand delivery: Public Comments Processing, Attn: FWS–HQ–MB–2014–0064; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Review of Public Comments and Flyway Council Recommendations section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2015

On April 13, 2015, we published in the **Federal Register** (80 FR 19852) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2015–16 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 13 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Those headings are:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Black ducks
   iv. Canvasbacks
   v. Pintails
   vi. Scaup
   vii. Mottled ducks
   viii. Wood ducks
   ix. Youth Hunt
   x. Mallard Management Units
   xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Doves
17. Alaska
18. Hawaii
19. Puerto Rico
20. Virgin Islands
21. Falconry
22. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

On June 11, 2015, we published in the **Federal Register** (80 FR 33223) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The June 11 supplement also provided detailed information on the proposed 2015–16 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On June 24–25, 2015, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2015–16 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2015–16 regular waterfowl seasons.

On July 21, 2015, we published in the **Federal Register** (80 FR 43266) a third document specifically dealing with the proposed frameworks for early-season regulations. In late August 2015, we will publish a rulemaking establishing final frameworks for early-season migratory bird hunting regulations for the 2015–16 season.

On July 29–30, 2015, we held open meetings with the Flyway Council Consultants, at which the participants reviewed the status of waterfowl and developed recommendations for the 2015–16 regulations for these species.

This document deals specifically with proposed frameworks for the late-season migratory bird hunting regulations. It will lead to final frameworks from which States may select season dates, shooting hours, areas, and limits. We have considered all pertinent comments received through August 1, 2015, on the April 13 and June 11, 2015, rulemaking documents in developing this document. In addition, new proposals for certain late-season regulations are provided for public comment. The comment period is specified above under **DATES**. We will publish final regulatory frameworks for late-season migratory game bird hunting in the **Federal Register** on or around September 20, 2015.

Population Status and Harvest

The following paragraphs provide preliminary information on the status and harvest of waterfowl excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/*

migratorybirds/NewsPublicationsReports.html.

Waterfowl Breeding Population and Habitat Survey

Federal, provincial, and State agencies conduct surveys each spring to estimate the size of breeding populations and to evaluate habitat conditions. These surveys are conducted using fixed-wing aircraft, helicopters, and ground crews and encompass principal breeding areas of North America, covering an area over 2.0 million square miles. The traditional survey area comprises Alaska, western Canada, and the northcentral United States, and includes approximately 1.3 million square miles. The eastern survey area includes parts of Ontario, Quebec, Labrador, Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, New York, and Maine, an area of approximately 0.7 million square miles.

Despite an early spring over most of the survey area, habitat conditions during the 2015 Waterfowl Breeding Population and Habitat Survey (WBPHS) were similar to or poorer than last year. With the exception of portions of southern Saskatchewan and central latitudes of eastern Canada, in many areas the decline in habitat conditions was due to average to below-average annual precipitation. The total pond estimate (Prairie Canada and United States combined) was 6.3 ± 0.2 million, which was 12 percent below the 2014 estimate of 7.2 ± 0.2 million but 21 percent above the long-term average of 5.2 ± 0.03 million. The 2015 estimate of ponds in Prairie Canada was 4.2 ± 0.1 million. This estimate was 10 percent below the 2014 estimate of 4.6 ± 0.2 million but 19 percent above the long-term average (3.5 ± 0.02 million). The 2015 pond estimate for the northcentral United States was 2.2 ± 0.09 million, which was 16 percent below the 2014 estimate of 2.6 ± 0.1 million and 28 percent above the long-term average (1.7 ± 0.02 million). Additional details of the 2015 Survey were provided in the July 21 **Federal Register** and are available from our Web site at *http://www.fws.gov/migratorybirds.*

Breeding Population Status

In the traditional survey area, which includes strata 1–18, 20–50, and 75–77, the total duck population estimate (excluding scoters [*Melanitta* spp.], eiders [*Somateria* spp. and *Polysticta stelleri*], long-tailed ducks [*Clangula hyemalis*], mergansers [*Mergus* spp. and *Lophodytes cucullatus*], and wood ducks [*Aix sponsa*]) was 49.5 ± 0.8 [SE] million birds. This estimate is similar to the 2014 estimate of 49.2 ± 0.8 million, and is 43 percent higher than the long-term average (1955–2014). This year also marks the highest estimates in the time series for mallards (*Anas platyrhynchos*) and green-winged teal (*A. crecca*). Estimated mallard abundance was 11.6 ± 0.4 million, which was similar to the 2014 estimate of 10.9 ± 0.3 million, and 51 percent above the long-term average of 7.7 ± 0.04 million. Estimated abundance of gadwall (*A. strepera;* 3.8 ± 0.2 million) and American wigeon (*A. americana;* 3.0 ± 0.2 million) were similar to last year's estimates, and were 100 percent and 17 percent above their long-term averages of 1.9 ± 0.02 million and 2.6 ± 0.02 million, respectively. The estimated abundance of green-winged teal was 4.1 ± 0.3 million, which was 19 percent above the 2014 estimate of 3.4 ± 0.2 million and 98 percent above the long-term average (2.1 ± 0.02 million). Estimated blue-winged teal (*A. discors;* 8.5 ± 0.4 million) abundance was similar to the 2014 estimate, and 73 percent above the long-term average of 4.9 ± 0.04 million. Estimated abundance of northern shovelers (*A. clypeata;* 4.4 ± 0.2 million) was 17 percent below the 2014 estimate but 75 percent above the long-term average of 2.5 ± 0.02 million. Northern pintail abundance (*A. acuta;* 3.0 ± 0.2 million) was similar to the 2014 estimate and 24 percent below the long-term average of 4.0 ± 0.04 million. Abundance estimates for redheads (*Aythya americana;* 1.2 ± 0.1 million) and canvasbacks (*Aythya valisineria;* 0.8 ± 0.06 million) were similar to their 2014 estimates and were 71 percent and 30 percent above their long-term averages of 0.7 ± 0.01 million and 0.6 ± 0.01 million, respectively. Estimated abundance of scaup (*A. affinis* and *A. marila* combined; 4.4 ± 0.3 million) was similar to the 2014 estimate and 13 percent below the long-term average of 5.0 ± 0.05 million.

The eastern survey area was restratified in 2005, and is now composed of strata 51–72. In the eastern survey area, estimated abundance of American black ducks (*Anas rubripes*) was 0.5 ± .04 million, which was 11 percent below last year's estimate and 13 percent below the 1990–2014 average. The estimated abundance of mallards (0.4 ± 0.1 million) and mergansers (0.4 ± 0.04 million) were similar to the 2014 estimates and their 1990–2014 averages. Abundance estimates of green-winged teal (0.2 ± 0.04 million) and goldeneyes (common and Barrow's [*Bucephala clangula* and *B. islandica*], 0.4 ± 0.4 million) were similar to their 2014 estimates, and were 14 percent and 15 percent below their 1990–2014 averages of 0.3 ± 0.04 million and 0.4 ± 0.07 million, respectively. The abundance estimate of ring-necked ducks (*Aythya collaris,* 0.5 ± 0.07 million) was similar to the 2014 estimate and the 1990–2014 average.

Fall Flight Estimate

The midcontinent mallard population is composed of mallards from the traditional survey area (revised in 2008 to exclude mallards in Alaska and the Old Crow Flats area of the Yukon Territory), Michigan, Minnesota, and Wisconsin, and is estimated to be 13.8 ± 1.4 million birds in 2015. This is similar to the 2014 estimate of 13.4 ± 1.3 million. See section 1.A. General Harvest Strategy for further discussion of the implications of this information for this year's selection of the appropriate hunting regulations.

Status of Geese and Swans

We provide information on the population status and productivity of North American Canada geese (*Branta canadensis*), brant (*B. bernicla*), snow geese (*Chen caerulescens*), Ross's geese (*C. rossii*), emperor geese (*C. canagica*), white-fronted geese (*Anser albifrons*), and tundra swans (*Cygnus columbianus*). Production of arctic-nesting geese depends heavily upon the timing of snow and ice melt, and spring and early summer temperatures.

In 2015, conditions in the Arctic and boreal areas important for geese were variable. Compared to last year, snow and ice conditions were less extensive in the western Arctic, more extensive in the central Arctic, and similar in the eastern Arctic. Breeding conditions were good on Bylot Island in the eastern Arctic, and an average to above-average fall flight was expected for greater snow geese. Biologists reported later-than-average spring phenology at Southampton Island, the northern and western coastal areas of the Hudson Bay, and the southern portion of Baffin Island. Atlantic brant have had 3 years of low production, and below-average production was expected again this year. Habitat conditions across Atlantic Canada were generally good, except for a more persistent spring snow pack and ice coverage in higher elevation areas in Newfoundland and Labrador. Nesting conditions were below average on the Ungava Peninsula, and lakes and ponds along the eastern Hudson Bay coast remained frozen in mid-June. North Atlantic Population and Atlantic Population Canada goose numbers were similar to recent averages, and average fall flights were expected. Of the Canada goose populations that migrate through the Mississippi Flyway, Eastern Prairie

Population numbers were similar to last year, and average to above-average production was expected; Southern James Bay Population and Mississippi Valley Population breeding numbers were down relative to recent years, with average and below-average fall flights predicted, respectively. Ice breakup and nesting phenology in the Queen Maud Gulf region of the central Arctic were similar to long-term averages, and nesting conditions and habitat were good to above average in the western Arctic and Northwest Territories. Thus, average to above-average production was expected for Ross's, mid-continent snow, mid-continent white-fronted, and lesser and Central Flyway Arctic nesting Canada geese. Alaska experienced an early spring and mild breakup of ice with minimal flooding on the Yukon–Kuskokwim Delta and other interior areas of the State. With less persistent ice and snow cover and favorable breeding conditions in the western Arctic and Alaska, the outlook for goose and swan populations nesting in these areas was good to excellent. With the exception of cackling Canada geese, indices for geese and swans that breed on the Yukon–Kuskokwim Delta were lower this year compared to last year, though later survey timing relative to the early spring conditions may have contributed to lower counts. Record high counts were observed this year for the Wrangel Island Population of lesser snow geese and dusky Canada geese, and the spring index for emperor geese was the highest recorded in over three decades.

Across much of the Canadian and U.S. prairies, spring phenology was early. Habitat conditions were generally rated good to fair on the Canadian prairies and fair to poor on the U.S. prairies. Southern and central portions of the western United States were exceptionally dry, and habitat conditions there were generally poor. However, production of temperate-nesting Canada geese over most of their North American range is expected to be average, and similar to previous years.

Of the 28 goose and swan populations included in the report, 6 had significant positive trends during the most recent 10-year period ($P < 0.05$): Western Prairie and Great Plains Population, dusky, and Aleutian Canada geese; and mid-continent, Western Central Flyway, and Western Arctic and Wrangel Island light geese. Three populations, Atlantic brant, and the Atlantic and Southern James Bay Populations of Canada geese, showed a statistically significant negative 10-year trend. Of the 13 populations for which primary indices included variance estimates, Ross's geese statistically significantly increased and 2 populations statistically significantly decreased (Southern James Bay Population and Mississippi Valley Population Canada geese) in 2015 compared to 2014. Of the 15 populations for which primary indices did not include variance estimates, 8 populations were higher than last year, and 7 populations were lower.

Waterfowl Harvest and Hunter Activity

National surveys of migratory bird hunters were conducted during the 2013–14 and 2014–15 hunting seasons. Over 1 million waterfowl hunters harvested 13,716,400 (± 6 percent) ducks and 3,360,400 (± 6 percent) geese in 2013, and over 1 million waterfowl hunters harvested 13,267,800 (± 4 percent) ducks and 3,321,100 (± 11 percent) geese in 2014. Mallard, green-winged teal, gadwall, blue-winged/cinnamon teal, and wood duck (*Aix sponsa*) were the five most-harvested duck species in the United States, and Canada goose was the predominant goose species in the goose harvest.

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the April 13, 2015, **Federal Register**, opened the public comment period for migratory game bird hunting regulations. The supplemental proposed rule, which appeared in the June 11, 2015, **Federal Register**, discussed the regulatory alternatives for the 2015–16 duck hunting season. Late-season comments are summarized below and numbered in the order used in the June 11 **Federal Register**. We have included only the numbered items pertaining to late-season issues for which we received written comments. Consequently, the issues do not follow in successive numerical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 13 and June 11, 2015, **Federal Register** documents.

General

Written Comments: A commenter protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory game bird management has been a longstanding example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy, (B) Regulatory Alternatives, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussion, and only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended the adoption of the ''liberal'' regulatory alternative.

Service Response: We continue to use adaptive harvest management (AHM) protocols that allow hunting regulations to vary among Flyways in a manner that recognizes each Flyway's breeding-ground derivation of mallards. In 2008, we described and adopted a protocol for regulatory decision-making for the newly defined stock of western mallards

(73 FR 43290; July 24, 2008). For the 2015 hunting season, we continue to believe that the prescribed regulatory choice for the Pacific Flyway should be based on the status of this western mallard breeding stock, while the regulatory choice for the Mississippi and Central Flyways should depend on the status of the redefined mid-continent mallard stock. We also recommend that the regulatory choice for the Atlantic Flyway continue to depend on the status of eastern mallards.

For the 2015 hunting season, we are continuing to consider the same regulatory alternatives as those used last year. The nature of the ''restrictive,'' ''moderate,'' and ''liberal'' alternatives has remained essentially unchanged since 1997, except that extended framework dates have been offered in the ''moderate'' and ''liberal'' regulatory alternatives since 2002 (67 FR 47224; July 17, 2002). Also, in 2003, we agreed to place a constraint on closed seasons in the Mississippi and Central Flyways whenever the midcontinent mallard breeding-population size (as defined prior to 2008; traditional survey area plus Minnesota, Michigan, and Wisconsin) was ≥ 5.5 million (68 FR 37362; June 23, 2003). This constraint subsequently was revised in 2008 to ≥ 4.75 million to account for the change in the definition of midcontinent mallards to exclude birds from Alaska and the Old Crow Flats area of the Yukon Territory (73 FR 43293; July 24, 2008).

The optimal AHM strategies for mid-continent, eastern, and western mallards for the 2015–16 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2015 regulatory alternatives; and (3) current population models and associated weights. Based on this year's survey results of 11.79 million mid-continent mallards (traditional survey area minus Alaska and the Old Crow Flats area of the Yukon Territory, plus Minnesota, Wisconsin, and Michigan) and 4.15 million ponds in Prairie Canada, 0.73 million eastern mallards (0.19 million and 0.54 million respectively in northeast Canada and the northeastern United States), and 0.73 million western mallards (0.26 million in California-Oregon and 0.47 million in Alaska), the optimal regulatory choice for all four Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Atlantic, Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative and propose to adopt the ''liberal'' regulatory alternative, as described in the July 21, 2015, **Federal Register**.

D. Special Seasons/Species Management

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service follow the International Black Duck AHM Strategy for 2015–16.

Service Response: In 2012, we adopted the International Black Duck AHM Strategy (77 FR 49868; August 17, 2012). The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon by both Canadian and U.S. agencies and waterfowl managers. The strategy clarifies what harvest levels each country will manage for and reduces conflicts over country-specific regulatory policies. Further, the strategy allows for attainment of fundamental objectives of black duck management: Resource conservation, perpetuation of hunting tradition, and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty, partial controllability and observability, structural uncertainty, and environmental variation. The underlying model performance is assessed annually, with a comprehensive evaluation of the entire strategy (objectives and model set) planned after 6 years. A copy of the strategy is available at the address indicated under **FOR FURTHER INFORMATION CONTACT**, or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

For the 2015–16 season, the optimal country-specific regulatory strategies were calculated in September 2014 using: (1) The black duck harvest objective (98 percent of long-term cumulative harvest); (2) 2015–16 country-specific regulatory alternatives; (3) parameter estimates for mallard competition and additive mortality; and (4) 2014 estimates of 0.619 million breeding black ducks and 0.445 million breeding mallards in the core survey area. The optimal regulatory choices are the moderate package in Canada and the restrictive package in the United States.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 2-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: Since 1994, we have followed a canvasback harvest strategy whereby if canvasback population status and production are sufficient to permit a harvest of one canvasback per day nationwide for the entire length of the regular duck season, while still attaining an objective of 500,000 birds the following spring, the season on canvasbacks should be opened. A partial season would be permitted if the estimated allowable harvest was below that associated with a 1-bird daily bag limit for the entire season. If neither of these conditions can be met, the harvest strategy calls for a closed season on canvasbacks nationwide. In 2008 (73 FR 43290; July 24, 2008), we announced our decision to modify the canvasback harvest strategy to incorporate the option for a 2-bird daily bag limit for canvasbacks when the predicted breeding population the subsequent year exceeds 725,000 birds.

This year's spring survey resulted in an estimate of 757,000 canvasbacks and 4.15 million Canadian ponds. The canvasback harvest strategy predicts a 2016 canvasback breeding population of 727,000 birds under a liberal duck season with a 2-bird daily bag limit. Because the predicted 2016 spring canvasback population under a liberal 2-bird-bag season is greater than 725,000, and since the recommended duck season under AHM is liberal, the harvest strategy stipulates that there should be a full canvasback season with a 2-bird daily bag limit.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 2-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For this year, an optimal regulatory strategy for pintails was calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on this year's survey results of 3.04 million pintails observed at a mean latitude of 55.9 and a latitude-adjusted breeding population

of 4.16 million birds, the optimal regulatory choice for all four Flyways is the ''liberal'' alternative with a 2-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''moderate'' regulation package, consisting of a 60-day season with a 2-bird daily bag in the Atlantic Flyway, a 74-day season with a 3-bird daily bag limit in the Central Flyway, and an 86-day season with a 3-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

The 2015 breeding population estimate for scaup is 4.40 million, which is similar to the 2014 estimate. An optimal regulatory strategy for scaup was calculated with an objective of achieving 95 percent of maximum long-term cumulative harvest and updated model parameters and their relative weights. Based on this year's breeding population estimate of 4.40 million, the optimal regulatory choice for scaup is the ''moderate'' package in all four Flyways.

ix. Youth Hunt

Council Recommendations: The Atlantic Flyway Council recommended allowing the States to use their definitions of age for youth hunters as the age requirement for participation in youth hunting days.

The Mississippi and Central Flyway Councils recommended that we allow States to use their established definitions of age for youth hunters as the age requirement for participation in youth hunting days, not to include anyone over the age of 17.

Service Response: Given that these recommendations would not take effect until the 2016–17 season, our desire for unanimity between the Councils, and that at least one Flyway Council has yet to take action, we are deferring our decision on the Councils' recommendations until the October 2015 SRC meeting.

x. Mallard Management Units

Council Recommendations: The Central Flyway Council recommended a minor change to the High Plains Mallard Management Unit (HPMMU) boundary in Kansas.

Service Response: As we stated in 2011 (76 FR 54052, August 30, 2011), we do not support the modification of the boundary of the HPMMU in Kansas. We note that the boundary has been in place since the 1970s, and is sufficiently clear for enforcement of waterfowl hunting regulations. Further, we do not believe sufficient biological information is available to warrant changes to the boundary at the scales proposed. However, if the Flyway Council believes the demographics of ducks have changed and may warrant a change in the boundary, we suggest that an assessment of data should be conducted that could inform a change at the Management Unit level. We understand the Council's position that this is a small change; however, we do not believe that small, incremental changes to the boundary are the proper approach to the perceived changes in duck distribution or to provide hunter opportunity.

4. Canada Geese

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council recommended that New Jersey be permitted to change the designation of their Coastal Zone from an Atlantic Population (AP) to an Atlantic Flyway Resident Population (AFRP) Canada goose zone for the next 3-year period (2015–17). Frameworks for the AFRP Zone would be 80 days between the fourth Saturday in October and February 15, with daily bag and possession limits of 5 and 15 Canada geese, respectively. The season could be split into 3 segments.

The Pacific Flyway Council recommended the following changes to goose season frameworks for the Pacific Flyway:

1. In Oregon and Washington, modify frameworks to close the season for dusky Canada geese in Oregon's Northwest Permit Zone and Washington's Southwest Permit Zone, and restrict beginning goose shooting hours to no earlier than sunrise in Oregon's Northwest Permit Zone and Washington's Southwest Permit Zone.

2. In Oregon, expand the Northwest Permit Zone to include the Northwest Zone, and modify the Tillamook County Special Management Area by reducing the area from all of Tillamook County to only that area currently described as closed to goose hunting.

3. In Washington, modify frameworks to eliminate the special late season and extend the regular season to March 10 in Areas 2A and 2B (Southwest Permit Zone), eliminate the Aleutian goose bag limit restriction in Area 2B, and expand the Southwest Permit Zone to include all of Clark County (2A) and Grays Harbour County (2B).

4. In Idaho, modify the frameworks to create a new zone by removing Bear Lake County and Caribou County, except that portion within the Fort Hall Indian Reservation, from Zone 2 and renaming these counties Zone 4.

Service Response: The Atlantic Flyway Council revised criteria used to delineate new AFRP Canada goose harvest areas and evaluate AFRP seasons for the 2015–17 seasons. We agree with the Council that the Coastal Zone in New Jersey meets the new criteria as an AFRP zone. The additional days and increased bag limit will allow for the harvest of additional AFRP Canada geese.

We agree with the Pacific Flyway Council's recommendations to close the dusky Canada goose season and restrict shooting hours for geese in the Permit Zones of Oregon and Washington, and expand Permit Zone boundaries. Seven subspecies of Canada geese winter in the Pacific Flyway and are managed as separate populations. Most Canada goose populations are abundant and at or above population objectives; however, the dusky Canada goose population has generally remained at <20,000 geese. Dusky Canada geese have a small breeding range including the Copper River Delta and adjacent islands in Alaska. Since 1985, the dusky Canada goose breeding population has varied between 7,000 and 18,000 geese. The most recent (2015) estimate of the breeding population size is 17,873 geese, and the recent 3-year (2012–2015, no estimate was available in 2013) average is 15,574 geese. In addition to the small population size, the dusky goose population has low harvest potential, and these birds are especially vulnerable to harvest. Consequently, the take of dusky geese must be limited to a greater extent than other Canada goose populations in the Pacific Flyway.

A permit and quota system with mandatory hunter reporting at check stations was implemented in 1985, in the primary dusky Canada goose wintering area of Oregon and Washington (Permit Zones). Once the quota was exceeded, the goose season in the Permit Zones was closed to protect against additional take of dusky geese. Check stations cost about $335,000 annually to operate in Oregon and Washington. Due to budgetary constraints, Oregon and Washington prefer to close the dusky Canada goose season rather than operate a quota system with mandatory hunter reporting at check stations.

Regular Canada goose seasons in the Permit Zones of Oregon and Washington

will remain subject to a memorandum of agreement entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population. Existing monitoring programs of dusky Canada geese provide total abundance, productivity, and apparent adult annual survival rates. Abundance data can be used to evaluate current population status, while productivity and survival rate data can be used in a population model to predict population growth and consequences of changes in demographic parameters. This information will be collected and evaluated annually to help determine the effectiveness of regulations intended to minimize take of dusky Canada geese. Additional protection against the take of dusky Canada geese will be provided by expanding the Permit Zone boundaries in Oregon and Washington to include a larger portion of the population's winter range, and restricting shooting hours to no earlier than sunrise will increase light for hunter identification of Canada goose subspecies.

We also agree with the Pacific Flyway Council's recommendation for minor changes to the existing Canada goose hunting seasons in Oregon and Washington. The bag limit restriction of 1 Aleutian Canada goose in Pacific County, Washington (Area 2B), (within the overall Canada goose daily bag limit) was first implemented when hunting of Aleutian Canada geese resumed in Oregon and Washington, after the subspecies was removed from protection under the Endangered Species Act (16 U.S.C. 1531 *et seq.*) in 2001 (66 FR 15643; March 20, 2001). The bag limit restriction was intended to minimize potential harvest of the Semidi Islands population segment of Aleutian Canada geese. These geese use Pacific County sporadically during migration and use areas are not consistent. The total population of Aleutian Canada geese continues to increase and currently exceeds the population objective identified in the Flyway management plan. The most recent 3-year (2013–2015) average estimated number of Aleutian Canada geese is 165,952, well above the population objective of 60,000 geese. Also, the 1-Aleutian daily bag limit restriction regulation is difficult for hunters to comply with and to enforce. We agree that removal of the Aleutian Canada goose bag limit restriction within the overall Canada goose daily bag limit (currently proposed at 4 geese) will simplify regulations.

In Washington, a special late Canada goose season has been offered in Areas 2A and 2B (Southwest Permit Zone). The special late goose season could be held between the Saturday following the close of the general goose season, which was the last Sunday in January, and March 10. Eliminating the special late season and extend the regular season to March 10 in Areas 2A and 2B for Canada goose has no consequence in season length or outside dates, but reduces the number of splits allowed in the Canada goose season from 4 to 3. The change will simplify regulations and is expected to have no biological impact to the Canada goose population. Also, regular season outside dates for white-fronted geese and light geese in Washington extend through March 10.I

Lastly, we agree with the Pacific Flyway Council's recommendation for minor changes to the existing goose hunting zones in Idaho. The modifications to the Idaho goose zones are intended to provide additional flexibility to Idaho in addressing resident Canada goose over abundance. Breeding population indices for Pacific and Rocky Mountain populations of Canada geese currently exceed management objectives in Flyway management plans. The 3-year (2013–2015) average population estimate for the Pacific Population of western Canada geese is 214,603, and is well above the objective of 126,650 geese. The 3-year (2013–2015) average population estimate for the Rocky Mountain Population of western Canada geese is 158,038, and above the objective of 88,000 to 146,000 geese. In order to accommodate an early Canada Goose season in Bear Lake County and Caribou County, except that portion within the Fort Hall Indian Reservation, it is necessary to create a new goose zone in Idaho.

C. Special Late Seasons

Council Recommendations: The Mississippi Flyway Council recommended that Ohio be allowed a 92-day Canada goose season with a 3-bird daily bag limit, which may extend no later than February 15th.

Service Response: We note that the management plan for the Southern James Bay Population of Canada geese requires consultation with the Atlantic Flyway on regulatory changes that potentially affect both Flyways. Although the Ohio proposal was sent to the Atlantic Flyway during their recent summer meeting, the proposal was not received in a timely manner that provided for adequate review by the Atlantic Flyway. Thus, the Atlantic Flyway Council could not support the Ohio proposal at this time. Due to the lack of concurrence by the Atlantic Flyway, we do not support the Mississippi Flyway recommendation for the 2015–16 season. We urge the two Flyway Councils to initiate consultations prior to this fall for a similar proposal for the 2016–17 hunting season.

5. White-Fronted Geese

Council Recommendations: The Mississippi Flyway Council recommended that frameworks for white-fronted geese in the Mississippi Flyway be revised to allow for a season length of 107 days and daily bag limit of 5 geese for Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (low harvest States). The daily bag limit would be an aggregate daily bag limit with dark geese. For Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee (non-low harvest States), the Council recommended a season length of 88 days with a 2-bird daily bag limit, or a 74-day season with a 3-bird daily bag limit, or a 107-day season with a 1-bird daily bag limit.

The Central Flyway Council recommended that frameworks for white-fronted geese in the east-tier States of the Central Flyway be revised to the Saturday nearest September 24 until the Sunday nearest February 15 with a season length of 74 days and a daily bag of 3 birds, an 88-day season with a daily bag of 2 birds, or a 107-day season with a daily bag limit of 1 bird. The Council recommended an increase of 1 bird in the daily bag limit in the Western Goose Zone of Texas, but no change in the bag limit for other west-tier States. All the recommended revisions are consistent with the newly revised white-fronted goose management plan.

Service Response: We support the revisions to the white-fronted goose frameworks recommended by the Mississippi and Central Flyway Councils. The Councils' recommendations are consistent with the newly revised 2015 management plan for mid-continent greater white-fronted goose Population.

6. Brant

Council Recommendations: The Atlantic Flyway Council recommended adoption of revised harvest packages (strategies) for Atlantic brant beginning with the 2015 hunting season as follows:

If the mid-winter waterfowl survey (MWS) count is <100,000 Atlantic brant, the season would be closed.

If the MWS count is between 100,000 and 115,000 brant, States could select a 30-day season with a 1-bird daily bag limit.

If the MWS count is between 115,000 and 130,000 brant, States could select a 30-day season with a 2-bird daily bag limit.

If the MWS count is between 130,000 and 150,000 brant, States could select a 50-day season with a 2-bird daily bag limit.

If the MWS count is between 150,000 and 200,000 brant, States could select a 60-day season with a 2-bird daily bag limit.

If the MWS count is >200,000 brant, States could select a 60-day season with a 3-bird daily bag limit.

Under all the above open season alternatives, seasons would be between the Saturday nearest September 24 and January 31. Further, States could split their seasons into 2 segments.

Utilizing the newly revised brant hunt plan, the Atlantic Flyway Council recommended a 30-day season with a 1-bird daily bag limit for the 2015–16 hunting season.

The Mississippi Flyway Council recommended revising the brant frameworks in the Mississippi Flyway to allow States the option of including brant in an aggregate bag limit with white-fronted and/or Canada geese.

The Pacific Flyway Council recommended increasing the brant season length in California from 30 to 37 days.

Service Response: The Atlantic Flyway's changes to the current Atlantic brant hunt plan strategies incorporate additional conservatism in the brant hunt plan. More specifically, the newly amended packages prescribe a more restrictive season in 2015 than that prescribed by the pre-2015 hunt plan. The Atlantic Flyway estimates that a reduction from a 2-bird to a 1-bird daily bag limit will result in a harvest reduction of 33 percent.

The Atlantic Flyway notes that there have been 3 consecutive years of poor Atlantic brant production, and 2015 may also be poor. Further, the population has been below management plan goals for the last 6 years. The 2015 mid-winter index (MWI) for Atlantic brant was 111,434. The Council's revised brant hunt plan allows for a 30-day season with a 1-bird daily bag limit when the MWI estimate falls between 100,000 and 115,000 brant. Recognizing the Council's continuing concerns about the status of Atlantic brant, we support the Atlantic Flyway Council's revisions to the brant hunt plan and the recommendation for the 2015–16 season.

Regarding the Mississippi Flyway Council's recommendation to allow States the option of including brant in an aggregate bag limit with white-fronted and/or Canada geese, we concur. Very few brant are harvested in the Mississippi Flyway, so this simplification of the regulations will have no biological impact to the population.

Lastly, we agree with the Pacific Flyway Council's recommendation for increasing the season length from 30 days to 37 days in California. The Flyway management plan for Pacific brant allows harvest to increase by two times the current level if the 3-year average population index exceeds 135,000 brant based on the mid-winter waterfowl survey. The 3-year (2013–2015) average is 157,700 brant. Increasing the season length by 7 days will allow additional hunting opportunity while maintaining the 2-bird daily bag limit for brant, and is not expected to increase harvest appreciably from that during a 30-day season.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Pacific Flyway Council recommended increasing the light goose daily bag limit from 4 to 6 in the Northwest Permit Zone of Oregon.

Service Response: We support the Pacific Flyway Council's recommendation for increasing the daily bag limit of light geese from 4 to 6 in the Northwest Permit Zone of Oregon. Three populations of light geese occur in the Pacific Flyway and all are above Flyway management plan objectives based on the most recent breeding population indices. The population estimate for the Western Arctic Population (WAP) of lesser snow geese was 451,000 in 2013, which is above the objective of 200,000 geese. Ross's geese were estimated at 659,600 in 2014, and are above the objective of 100,000 geese. The population estimate for Wrangel Island snow geese was 240,000 in 2015, which is above the objective of 120,000 geese. Current evidence suggests most light geese in Oregon during fall and early winter are primarily Wrangel Island snow geese, but an influx of WAP lesser snow and Ross's geese occurs during late winter as birds begin to move north toward breeding areas. The current 4-bird daily bag limit for light geese in Oregon's Northwest Permit Zone was intended to minimize harvest of Wrangel Island snow geese in this primary use area in Oregon when Wrangel Island geese were below the population objective. A bag limit for light geese in the Northwest Permit Zone of 6 per day will simplify regulations by matching the 6-bird bag limit currently allowed for light geese in the balance of Oregon on or before the last Sunday in January.

16. Doves

Council Recommendations: During the early season regulations process, the Central Flyway Council recommended that the Service, beginning with the 2016–17 hunting season, adopt a new ''standard'' season package framework comprised of a 90-day season and 15-bird daily bag limit for doves for States within the Central Management Unit. Subsequently, the Mississippi Flyway Council concurred with the previous recommendation from the Central Flyway Council.

Service Response: In the July 21 **Federal Register**, we stated that we did not support the recommendation by the Central Flyway to increase the length of the dove season to 90 days for the 2016–17 season because the Mississippi Flyway had not agreed to the change involving this shared resource. However, we understood that the Central Flyway would continue to work with the Mississippi Flyway to develop a joint recommendation to increase the season length, and that we would consider such a recommendation if such an agreement were reached. Given the Mississippi Flyway Council's concurrence with the Central Flyway Council's recommendation, we now agree with the proposed revision to the ''standard'' season package framework beginning with the 2016–17 hunting season.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section. We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, Virginia. For each series of proposed rulemakings, we will establish specific comment periods.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the April 13, June 11, and July 21 proposed rules; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our April 13, 2015, proposed rule (80 FR 19852):

- National Environmental Policy Act (NEPA) Consideration;
- Endangered Species Act Consideration;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

We are updating one required determination in this document, as follows:

Paperwork Reduction Act of 1995 (PRA)

This proposed rule does not contain any new information collection requirements that require approval under the PRA (44 U.S.C. 3501 *et seq.*). We 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. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0019—North American Woodcock Singing Ground Survey (expires 5/31/2018).
- 1018–0023—Migratory Bird Surveys (expires 6/30/2017). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2015–16 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: August 10, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2015–16 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposals for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2015, and March 10, 2016. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (*e.g.,* tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

High Plains Mallard Management Unit—roughly defined as that portion of the Central Flyway that lies west of the 100th meridian.

Definitions

For the purpose of hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese, white-fronted geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to late-season regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag

and possession limits, and other special provisions are listed below by Flyway.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which can be females), 1 black duck, 2 pintails, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 scaup, 2 canvasbacks, and 4 scoters.

Closures: The season on harlequin ducks is closed.

Sea Ducks: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Canada Geese

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons also include white-fronted geese. Unless specified otherwise, seasons may be split into two segments.

Connecticut:

North Atlantic Population (NAP) Zone: Between October 1 and February 15, a 70-day season may be held with a 3-bird daily bag limit.

Atlantic Population (AP) Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Florida: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

Maryland:

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Massachusetts:

NAP Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

New Hampshire: A 70-day season may be held Statewide between October 1 and February 15, with a 3-bird daily bag limit.

New Jersey:

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24) and February 5, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York:

NAP Zone: Between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in both the High Harvest and Low Harvest areas.

Special Late Goose Season Area: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit in designated areas of Suffolk County.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24), except in the Lake Champlain Area where the opening date is October 10, and February 5, with a 3-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 26) and March 10, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina:

SJBP Zone: A 70-day season may be held between October 1 and December 31, with a 5-bird daily bag limit.

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 14-day season may be held between the Saturday prior to December 25 (December 19) and January 31, with a 1-bird daily bag limit.

Pennsylvania:

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 3) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 24) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 24) and February 5, with a 3-bird daily bag limit.

Rhode Island: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina: In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont:

Lake Champlain Zone and Interior Zone: A 50-day season may be held between October 10 and February 5 with a 3-bird daily bag limit.

Connecticut River Zone: A 70-day season may be held between October 1 and February 15, with a 3-bird daily bag limit.

Virginia:

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 30-day season between the Saturday nearest September 24 (September 26) and January 31, with a 1-bird daily bag limit. States may split their seasons into two segments.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 1 black duck, 2 pintails, 3 wood ducks, 2 canvasbacks, 3 scaup, and 2 redheads. In addition to the daily limits listed above, the States of Iowa, Michigan, Minnesota, and Wisconsin may include an additional 2 blue-winged teal in the daily bag limit in lieu of selecting an experimental September teal season during the first 16 days of the regular duck season in each respective duck hunting zone.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Alabama, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Arkansas and Mississippi, the season may be split into three segments.

Geese

Split Seasons: Seasons for geese may be split into three segments.

Season Lengths, Outside Dates, and Limits: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between the Saturday nearest September 24 (September 26) and March 10. There is no possession limit for light geese. Arkansas, Illinois, Louisiana, Kentucky, Missouri, Mississippi, and Tennessee may select a season for white-fronted geese not to exceed 74 days with 3 geese daily, or 88 days with 2 geese daily, or 107 days with 1 goose daily between the Saturday nearest September 24 (September 26) and the Sunday nearest February 15 (February 14); Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin may select a season for white-fronted geese not to exceed 107 day with 5 geese daily, in aggregate with dark geese. States may select a season for brant not to exceed 70 days with 2 brant daily, or 107 days with 1 brant daily with outside dates the same as Canada geese; alternately, States may include brant in an aggregate goose bag limit with either Canada geese, white-fronted geese, or dark geese. States may select seasons for Canada geese not to exceed 92 days with 2 geese daily or 78 days with 3 geese daily between the Saturday nearest September 24 (September 26) and January 31 with the following exceptions listed by State:

Arkansas: The season may extend to February 15.

Indiana:

Late Canada Goose Season Area: A special Canada goose season of up to 15 days may be held during February 1–15 in the Late Canada Goose Season Zone. During this special season, the daily bag limit cannot exceed 5 Canada geese.

Iowa: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Michigan:

The framework opening date for all geese is September 11 in the Upper Peninsula of Michigan and September 16 in the Lower Peninsula of Michigan.

Southern Michigan Late Canada Goose Season Zone: A 30-day special Canada goose season may be held between December 31 and February 15. The daily bag limit is 5 Canada geese.

Minnesota: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Missouri: The season for Canada geese may extend for 85 days. The daily bag limit is 3 Canada geese.

Tennessee: Northwest Goose Zone—The season for Canada geese may extend to February 15.

Wisconsin:

Horicon Zone: The framework opening date for all geese is September 16.

Exterior Zone: The framework opening date for all geese is September 16.

Additional Limits: In addition to the harvest limits stated for the respective zones above, an additional 4,500 Canada geese may be taken in the Horicon Zone under special agricultural permits.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons:

High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway which lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 12).

Remainder of the Central Flyway: 74 days.

Bag Limits: The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 3 scaup, 2 redheads, 3 wood ducks, 2 pintails, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest September 24 (September 26) and the Sunday nearest February 15 (February 14). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 26) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits:

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 50 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 8. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 3, or an 88-day season with a bag limit of 2, or a season of 107 days with a bag limit of 1.

In Colorado, Montana, New Mexico, and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 2.

Pacific Flyway

Ducks, Mergansers, Coots, Common Moorhens, and Purple Gallinules

Outside Dates: Between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Hunting Seasons and Duck and Merganser Limits: Concurrent 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 2 pintails, 2 canvasbacks, 3 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State.

In States or zones with a split duck and merganser season, the season on coots, common moorhens, and purple gallinules may remain open during the closed portion of the duck and merganser season splits, but not to exceed 107 days.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag limit of coots, common moorhens, and purple gallinules are 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may split their seasons into two segments.

Colorado, Montana, and New Mexico may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Season Lengths, Outside Dates, and Limits:

Canada geese and brant: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31). In Arizona, Colorado, Idaho, Montana, Nevada, and Utah, the daily bag limit is 4 Canada geese and brant in the aggregate. In New Mexico and Wyoming, the daily bag limit is 3 Canada geese and brant in the aggregate. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, Oregon and Washington may select a 16-day season and California a 37-day season. Days must be consecutive. Washington and California may select hunting seasons for up to two zones. The daily bag limit is 2 brant and is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

White-fronted geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit is 10.

Light geese: Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit is 20.

Split Seasons: Unless otherwise specified, seasons for geese may be split

into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

California: The daily bag limit for Canada geese is 10.

Balance of State Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January should be concurrent with Oregon's South Coast Zone.

Idaho:

Zone 2: Idaho will continue to monitor the snow goose hunt that occurs after the last Sunday in January in the American Falls Reservoir/Fort Hall Bottoms and surrounding areas at 3-year intervals.

Oregon: The daily bag limit for light geese is 6 on or before the last Sunday in January.

Harney and Lake County Zone: For Lake County only, the daily white-fronted goose bag limit is 1.

Northwest Permit Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. Goose seasons may be split into 3 segments. The daily bag limit of light geese is 6. In the Tillamook County Management Area, the hunting season is closed on geese.

South Coast Zone: A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. The daily bag limit of Canada geese is 6. Hunting days that occur after the last Sunday in January should be concurrent with California's North Coast Special Management Area. Goose seasons may be split into 3 segments.

Utah: A Canada goose and brant season may be selected in the Wasatch Front and Washington County Zones with outside dates between the Saturday nearest September 24 (September 26) and the first Sunday in February (February 7).

Washington: The daily bag limit is 4 geese.

Area 1: Goose season outside dates are between the Saturday nearest September 24 (September 26) and the last Sunday in January (January 31).

Areas 2A and 2B (Southwest Permit Zone): A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 26) and March 10. Goose seasons may be split into 3 segments.

Area 4: Goose seasons may be split into 3 segments.

Permit Zones

In Oregon and Washington permit zones, the hunting season is closed on dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters. Hunting of geese will only be by hunters possessing a State-issued permit authorizing them to do so. Shooting hours for geese may begin no earlier than sunrise. Regular Canada goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada goose season on the dusky Canada goose population.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Nevada may issue up to 2 permits per hunter. Montana and Utah may only issue 1 permit per hunter. Each State's season may open no earlier than the Saturday nearest October 1 (October 3). These seasons are also subject to the following conditions:

Montana: No more than 500 permits may be issued. The season must end no later than December 1. The State must implement a harvest-monitoring program to measure the species composition of the swan harvest and should use appropriate measures to maximize hunter compliance in reporting bill measurement and color information.

Utah: No more than 2,000 permits may be issued. During the swan season, no more than 10 trumpeter swans may be taken. The season must end no later than the second Sunday in December (December 13) or upon attainment of 10 trumpeter swans in the harvest, whichever occurs earliest. The Utah season remains subject to the terms of the Memorandum of Agreement entered into with the Service in August 2003, regarding harvest monitoring, season closure procedures, and education requirements to minimize the take of trumpeter swans during the swan season.

Nevada: No more than 650 permits may be issued. During the swan season, no more than 5 trumpeter swans may be taken. The season must end no later than the Sunday following January 1 (January 3) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In addition, the States of Utah and Nevada must implement a harvest-monitoring program to measure the species composition of the swan harvest. The harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. The States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination. Further, the States of Montana, Nevada, and Utah must achieve at least an 80-percent compliance rate, or subsequent permits will be reduced by 10 percent. All three States must provide to the Service by June 30, 2016, a report detailing harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas.

Tundra Swans

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway:

—The season may be 90 days, between October 1 and January 31.

—In North Carolina, no more than 5,000 permits may be issued.

—In Virginia, no more than 600 permits may be issued.

In the Central Flyway:

—The season may be 107 days, between the Saturday nearest October 1 (October 3) and January 31.

—In the Central Flyway portion of Montana, no more than 500 permits may be issued.

—In North Dakota, no more than 2,200 permits may be issued.

—In South Dakota, no more than 1,300 permits may be issued.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire–Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the United States border.

Coastal Zone: That portion south of a line extending east from the Maine-New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine-New Hampshire border in Kittery.

South Zone: Remainder of the State.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.– Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte.10 and Rte.25A in Orford, east on Rte. 25A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine—New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license which allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license which allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: the State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of NH west of Rte. 63 at the MA border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York—Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York—Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along

and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Alabama

South Zone: Mobile and Baldwin Counties.

North Zone: The remainder of Alabama.

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone-Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff-Lorenzo Road, west along Pine Bluff-Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone: That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone: That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone: That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone: That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone: That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

West: That portion of the State west and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to its junction with LA 106; west on LA 106 to Oakdale; then south on U.S. Hwy 165 to junction with U.S. Hwy 190 at Kinder; then west on U.S. Hwy 190/LA 12 to the Texas State border.

East: That portion of the State east and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to Lafayette; then southeast along U.S. Hwy 90 to the Mississippi State line.

Coastal: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the

Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy. 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M (Base Line Blvd.); west on Jasper County Hwy. M (Base Line Blvd.) to CRD 40 (Base Line Blvd.); west on CRD 40 (Base Line Blvd.) to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by Interstate 75 from the Ohio-Michigan line to Interstate 280 to Interstate 80 to the Erie-Lorain County line extending to a line measuring two hundred (200) yards from the shoreline into the waters of Lake Erie and including the waters of Sandusky Bay and Maumee Bay.

North Zone: That portion of the State north of a line beginning at the Ohio-Indiana border and extending east along Interstate 70 to the Ohio-West Virginia border.

South Zone: The remainder of Ohio.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado (Central Flyway Portion)

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Early Zone: That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then north on U.S.–283 to its junction with the Nebraska-Kansas State line, then east along the Nebraska-Kansas State line to its junction with K–128.

Late Zone: That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then south on U.S.–283 to its junction with the

Oklahoma-Kansas State line, then east along the Oklahoma-Kansas State line to its junction with U.S.–77, then north on U.S.–77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with U.S.–35, then northeast on U.S.–35 to its junction with K–68, then east on K–68 to the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with the Nebraska State line, then west along the Kansas-Nebraska State line to its junction with K–128.

Southeast Zone: That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with U.S.–35, then southwest on U.S.–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with K–77, then south on K–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Missouri State line, then north along the Kansas-Missouri State line to its junction with K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carbon, Carter, Daniels, Dawson, Fallon, Ferus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, and Yellowstone.

Zone 2: The Counties of Big Horn, Custer, Prairie, Rosebud, and Treasure.

Nebraska

High Plains: That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1: Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2: The area south of Zone 1 and north of Zone 3.

Zone 3: Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to Country Rd 167; south to U.S. Hwy. 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy. 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy. 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy. 14; north to NE Hwy. 52; west and north to NE Hwy. 91; west to U.S. Hwy. 281; south to NE Hwy. 22; west to NE Hwy. 11; northwest to NE Hwy. 91; west to U.S. Hwy. 183; south to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to Milburn Rd; north to Blaine County Line; east to Loup County Line; north to NE Hwy. 91; west to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Road; south to NE Hwy. 70; east to U.S. Hwy. 281; north to NE Hwy. 70; east to NE Hwy. 14; south to NE Hwy. 39; southeast to NE Hwy. 22; east to U.S. Hwy. 81; southeast to U.S. Hwy. 30; east to U.S. Hwy. 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4: Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy. 8 and U.S. Hwy. 75; north to U.S. Hwy. 136; east to the intersection of U.S. Hwy. 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy. 2; west to U.S. Hwy. 75; north to NE Hwy. 2; west to NE Hwy. 43; north to U.S. Hwy. 34; east to NE Hwy. 63; north to NE Hwy. 66; north and west to U.S. Hwy. 77; north to NE Hwy. 92; west to NE Hwy. Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy. 15; north to County Rd 34; west to County Rd J; south to NE Hwy. 92; west to U.S. Hwy. 81; south to NE Hwy. 66; west to Polk County Rd C; north to NE Hwy. 92; west to U.S. Hwy. 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy. 66; west to NE Hwy. 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy. 34; west to NE Hwy. 2; south to U.S. Hwy. I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy. 281; south to U.S. Hwy. 34; west to NE Hwy. 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy. 283; south to U.S. Hwy 34; east to U.S. Hwy. 136; east to U.S. Hwy. 183; north to NE Hwy. 4; east to NE Hwy. 10; south to U.S. Hwy. 136; east to NE Hwy. 14; south to NE Hwy. 8; east to U.S. Hwy. 81; north to NE Hwy. 4; east to NE Hwy. 15; south to U.S. Hwy. 136; east to NE Hwy. 103; south to NE Hwy. 8; east to U.S. Hwy. 75.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line from the South Dakota State line along U.S. 83 and I–94 to ND 41, north to U.S. 2, west to the Williams/Divide County line, then north along the County line to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40

to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway Portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

Game Management Units (GMU) as follows:

South Zone: Those portions of GMUs 6 and 8 in Yavapai County, and GMUs 10 and 12B–45.

North Zone: GMUs 1–5, those portions of GMUs 6 and 8 within Coconino County, and GMUs 7, 9, 12A.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines; west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada State line south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, Curry, Josephine, Jackson, Linn, Benton, Polk, Marion, Yamhill, Washington, Columbia, Multnomah, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

Columbia Basin Mallard Management Unit: Gilliam, Morrow, and Umatilla Counties.

Zone 2: The remainder of the State.

Utah

Zone 1: All of Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Zone 2: The remainder of Utah.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Mallard Management Unit: Same as East Zone.

West Zone: All areas to the west of the East Zone.

Wyoming

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger-Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: Balance of the Pacific Flyway in Wyoming outside the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with Route 91 in Hartford, and then extending south along Route 91 to its intersection with the Hartford/Middlesex County line.

AFRP Unit: Starting at the intersection of I–95 and the Quinnipiac River, north on the Quinnipiac River to its intersection with I–91, north on I–91 to I–691, west on I–691 to the Hartford County line, and encompassing the rest of New Haven County and Fairfield County in its entirety.

NAP H–Unit: All of the rest of the State not included in the AP or AFRP descriptions above.

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Maine

Same zones as for ducks.

Maryland

Resident Population (RP) Zone: Garrett, Allegany, Washington, Frederick, and Montgomery Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

RP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94: then west along Route 94 to the tollbridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to

Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara-Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the International boundary with Canada, south and west along the International boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak

Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

Special Late Canada Goose Area: That area of the Central Long Island Goose Area lying north of State Route 25A and west of a continuous line extending northward from State Route 25A along Randall Road (near Shoreham) to North Country Road, then east to Sound Road and then north to Long Island Sound and then due north to the New York-Connecticut boundary.

North Carolina

SJBP Hunt Zone: Includes the following Counties or portions of Counties: Anson, Cabarrus, Chatham, Davidson, Durham, Halifax (that portion east of NC 903), Montgomery (that portion west of NC 109), Northampton, Richmond (that portion south of NC 73 and west of U.S. 220 and north of U.S. 74), Rowan, Stanly, Union, and Wake.

RP Hunt Zone: Includes the following Counties or portions of Counties: Alamance, Alleghany, Alexander, Ashe, Avery, Beaufort, Bertie (that portion south and west of a line formed by NC 45 at the Washington Co. line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Bladen, Brunswick, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax (that portion west of NC 903), Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mecklenburg, Mitchell, Montgomery (that portion that is east of NC 109), Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond (all of the county with exception of that portion that is south of NC 73 and west of U.S. 220 and north of U.S. 74), Robeson, Rockingham, Rutherford, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey.

Northeast Hunt Unit: Includes the following Counties or portions of Counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

SJBP Zone: The area north of I–80 and west of I–79 including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the North by S–14–25, to the East by Hwy 260, and to the South by the markers delineating the channel of the Santee River. West of U.S. 301: That portion of Clarendon County bounded on the North by S–14–26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line—the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: The ''Blue Ridge'' (mountain spine) at the West Virginia-Virginia Border (Loudoun County-Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun-Fauquier-Rappahannock-Madison-Greene-Albemarle and into Nelson Counties), then east along Interstate Rt. 64 to Route 15, then south along Rt. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Alabama

Same zones as for ducks, but in addition:

SJBP Zone: That portion of Morgan County east of U.S. Highway 31, north of State Highway 36, and west of U.S. 231; that portion of Limestone County south of U.S. 72; and that portion of Madison County south of Swancott Road and west of Triana Road.

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois

Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zones as for ducks.

South Central Zone: Same zones as for ducks.

Indiana

Same zones as for ducks but in addition:

Special Canada Goose Seasons

Late Canada Goose Season Zone: That part of the State encompassed by the following Counties: Steuben, Lagrange, Elkhart, St. Joseph, La Porte, Starke, Marshall, Kosciusko, Noble, De Kalb, Allen, Whitley, Huntington, Wells, Adams, Boone, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Vermillion, Parke, Vigo, Clay, Sullivan, and Greene.

Iowa

Same zones as for ducks.

Kentucky

Western Zone: That portion of the State west of a line beginning at the Tennessee State line at Fulton and extending north along the Purchase Parkway to Interstate Highway 24, east along I–24 to U.S. Highway 641, north along U.S. 641 to U.S. 60, northeast along U.S. 60 to the Henderson County line, then south, east, and northerly along the Henderson County line to the Indiana State line.

Pennyroyal/Coalfield Zone: Butler, Daviess, Ohio, Simpson, and Warren Counties and all counties lying west to the boundary of the Western Goose Zone.

Louisiana

Same zones as for ducks.

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Special Canada Goose Seasons

Southern Michigan Late Season Canada Goose Zone: Same as the South Duck Zone excluding Tuscola/Huron Goose Management Unit (GMU), Allegan County GMU, Saginaw County GMU, and Muskegon Wastewater GMU.

Minnesota

Same zones as for ducks but in addition:

Rochester Goose Zone: That part of the State within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 247 and County State Aid Highway (CSAH) 4, Wabasha County; thence along CSAH 4 to CSAH 10, Olmsted County; thence along CSAH 10 to CSAH 9, Olmsted County; thence along CSAH 9 to CSAH 22, Winona County; thence along CSAH 22 to STH 74; thence along STH 74 to STH 30; thence along STH 30 to CSAH 13, Dodge County; thence along CSAH 13 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 13, Olmsted County; thence along CSAH 13 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 12, Olmsted County; thence along CSAH 12 to STH 247; thence along STH 247 to the point of beginning.

Missouri

Same zones as for ducks.

Ohio

Lake Erie Goose Zone: That portion of Ohio north of a line beginning at the Michigan border and extending south along Interstate 75 to Interstate 280, south on Interstate 280 to Interstate 80, and east on Interstate 80 to the Pennsylvania border.

North Zone: That portion of Ohio north of a line beginning at the Indiana border and extending east along Interstate 70 to the West Virginia border excluding the portion of Ohio within the Lake Erie Goose Zone.

South Zone: The remainder of Ohio.

Tennessee

Northwest Goose Zone: Lake, Obion, and Weakley Counties and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highways 45 and 45W

Remainder of State: That portion of Tennessee outside of the Northwest Goose Zone.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone: That portion of the State encompassed by a boundary beginning at the intersection of State 23 and State 73 and moves south along State 73 until the intersection of State 73 and State 60, then moves east along State 60 until the intersection of State 60 and State 83, and then moves north along State 83 until the intersection of State 83 and State 33 at which point it moves east until the intersection of State 33 and U.S .45, then moves north along U.S. 45 until the intersection of U.S. 45 and State 23, at which point it moves west along State 23 until the intersection of State 23 and State 73.

Exterior Zone: That portion of the State not included in the Horicon Zone.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park and San Luis Valley Area: All of Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Rio Grande and Teller Counties, and those portions of Saguache, Mineral and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone N: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone S: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine and Thomas Counties to the Hooker County line, south along the Thomas-Hooker County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy. 92 and NE Hwy. 15, south along NE Hwy. 15 to NE Hwy. 4, west along NE Hwy. 4 to U.S. Hwy. 34, west along U.S. Hwy. 34 to U.S. Hwy. 283, north along U.S. Hwy. 283 to U.S. Hwy. 30, east along U.S. Hwy. 30 to NE Hwy. 92, east along NE Hwy. 92 to the beginning.

Remainder of State: The remainder portion of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; thence north on ND Hwy 6 to I–94; thence west on I–94 to ND Hwy 49; thence north on ND Hwy 49 to ND Hwy 200; thence north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); thence north on that section line to the southern shoreline to Lake Sakakawea; thence east along the southern shoreline (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; thence south on U.S. Hwy 83 to ND Hwy 200; thence east on ND Hwy 200 to ND Hwy 41; thence south on ND Hwy 41 to U.S. Hwy 83; thence south on U.S. Hwy 83 to I–94; thence east on I–94 to U.S. Hwy 83; thence south on U.S. Hwy 83 to the South Dakota border; thence west along the South Dakota border to ND Hwy 6.

Rest of State: Remainder of North Dakota.

South Dakota

Canada Geese

Unit 1: The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth, that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction, that portion of Potter County east of U.S. Highway 83, that portion of Sully County east of U.S. Highway 83, portions of Hyde, Buffalo, Brule, and Charles Mix and Bon Homme Counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, north on U.S. Highway 281 to the Charles Mix-Douglas County boundary, that portion of Bon Homme County north of State Highway 50, that portion of Perkins County west of State Highway 75 and south of State Highway 20; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Union, Clay, Yankton, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Oglala Lakota (formerly Shannon), Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, and McCook Counties; and those portions of Minnehaha and Lincoln counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota state line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa state line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the junction of the South Dakota-Minnesota state line

and Minnehaha County Highway 122 (254th Street).

Unit 2: Remainder of South Dakota.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties; and Fremont County excluding those portions south or west of the Continental Divide.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army–Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Rd.; north on Weist Rd. to Flowing Wells Rd.; northeast on Flowing Wells Rd. to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Rd.; south on Frink Rd. to Highway 111; north on Highway 111 to Niland Marina Rd.; southwest on Niland Marina Rd. to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Southern, and the Colorado River Zones.

North Coast Special Management Area: The Counties of Del Norte and Humboldt.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

West Central Area: Archuleta, Delta, Dolores, Gunnison, LaPlata, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties and those portions of Hinsdale, Mineral, and Saguache Counties west of the Continental Divide.

State Area: The remainder of the Pacific-Flyway Portion of Colorado.

Idaho

Canada Geese and Brant

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

White-Fronted Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Caribou County, except the Fort Hall Indian Reservation; Bingham County within the Blackfoot Reservoir drainage.

Montana (Pacific Flyway Portion)

East of the Divide Zone: The Pacific Flyway portion of the State located east of the Continental Divide.

West of the Divide Zone: The remainder of the Pacific Flyway portion of Montana.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln Counties.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Northwest Permit Zone: Benton, Clatsop, Columbia, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Rd crosses the south shores of Horn Creek, north on Old Woods Rd to Sand Lake Rd at Woods, north on Sand Lake Rd to the intersection with McPhillips Dr, due west (~200 yards) from the intersection to the Pacific coastline, south on the Pacific coastline to Neskowin Creek, east along the north shores of Neskowin Creek and then Hawk Creek to Salem Ave, east on Salem Ave in Neskowin to Hawk Ave, east on Hawk Ave to Hwy 101, north on Hwy 101 to Resort Dr, north on Resort Dr to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Deschutes, Jefferson, Crook, Wheeler, Grant, Baker, Union, and Wallowa Counties.

Klamath County Zone: All of Klamath County.

Harney and Lake County Zone: All of Harney and Lake Counties.

Malheur County Zone: All of Malheur County.

Utah

Northern Zone: That portion of Box Elder County beginning the Weber-Box Elder county line, north along the Box Elder county line to the Utah-Idaho State line; west on this line to Stone, Idaho-Snowville, Utah road; southwest on this road to the Locomotive Springs Wildlife Management Area boundary; west, south, east, and then north along this boundary to the county road; east on the county road, past Monument Point and across Salt Wells Flat, to the intersection with Promontory Road; south on Promontory Road to a point directly west of the northwest corner of the Bear River Migratory Bird Refuge boundary; east along a line to the northwest corner of the Refuge boundary; south and east along the Refuge boundary to the southeast corner of the boundary; northeast along the boundary to the Perry access road; east on the Perry access road to I–15; south on I–15 to the Weber-Box Elder County line.

Wasatch Front Zone: Boundary begins at the Weber-Box Elder county line at I–15; east along Weber county line to U.S.–89; south on U.S.–89 to I–84; east and south and along I–84 to I–80; south along I–80 to U.S.–189; south and west along U.S.–189 to the Utah County line; southeast and then west along this line to I–15; north on I–15 to U.S.–6; west on U.S.–6 to SR–36; north on SR–36 to I–80; north along a line from this intersection to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporations (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; directly north from this point along an imaginary line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I–15; south along I–15 to the Weber-Box Elder county line.

Washington County Zone: All of Washington County.

Balance of State Zone: The remainder of Utah.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2A (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties.

Area 2B (Southwest Permit Zone): Grays Harbor and Pacific Counties.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt and Mendocino Counties.

Balance of State Zone: Balance of the State.

Washington

Puget Sound Zone: Skagit County.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Deuel, Day, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box Elder, Weber, Davis, Salt Lake, and Toole Counties lying west of I–15, north of I–80, and south of a line beginning from the Forest Street exit to the Bear River National Wildlife Refuge boundary; then north and west along the Bear River National Wildlife Refuge boundary to the farthest west boundary of the Refuge; then west along a line to Promontory Road; then north on Promontory Road to the intersection of SR 83; then north on SR 83 to I–84; then north and west on I–84 to State Hwy 30; then west on State Hwy 30 to the Nevada-Utah State line; then south on the Nevada-Utah State line to I–80.

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Part III

Securities and Exchange Commission

17 CFR Part 201
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; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 34–75612; File No. S7–14–15]

RIN 3235–AL76

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

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: Pursuant to Section 15F(b)(6) of the Securities Exchange Act of 1934 (''Exchange Act''), as added by Section 764(a) of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), the Securities and Exchange Commission (''Commission'') is proposing Rule of Practice 194. Proposed Rule of Practice 194 would provide a process for a registered security-based swap dealer or major security-based swap participant (collectively, ''SBS Entity'') to make an application to the Commission for an order permitting an associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. Proposed Rule of Practice 194 also would exclude an SBS Entity, subject to certain limitations, from the prohibition in Exchange Act Section 15F(b)(6) with respect to associated persons that are not natural persons for a period of 30 days following the associated person becoming subject to a statutory disqualification or 30 days following the person that is subject to a statutory disqualification becoming an associated person of an SBS Entity; for a period of 180 days following the filing of a complete application under proposed Rule of Practice 194 and notice if the application and notice are filed within the same 30-day time period; and for a period of 180 days following the filing of a complete application with, or initiation of a process by, the Commodity Futures Trading Commission (''CFTC''), a self-regulatory organization (''SRO'') or a registered futures association pending a final decision with respect to an application or process with respect to the associated person for the membership, association, registration or listing as a principal, where the application has been filed or process started prior to or within the same 30-day time period and a notice has been filed with the Commission within the same 30-day time period. The proposed Rule of Practice 194 also would provide, in certain circumstances, for an extension of the temporary exclusion from the prohibition in Exchange Act Section 15F(b)(6) with respect to associated persons that are not natural persons to comply with the prohibition in Section 15F(b)(6). Finally, proposed Rule of Practice 194 would provide that, subject to certain conditions, an SBS Entity may permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without making an application pursuant to the proposed rule, where the Commission, CFTC, an SRO or a registered futures association has granted a prior application or otherwise granted relief from a statutory disqualification with respect to that associated person.

DATES: Comments must be received on or before October 26, 2015.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–14–15 on the subject line; or
- Use the Federal Rulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–14–15. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should only submit information that you wish to make publicly available.

Studies, memoranda or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's Web site. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Paula R. Jenson, Deputy Chief Counsel, Joseph Furey, Assistant Chief Counsel, Bonnie Gauch, Senior Special Counsel, Joanne Rutkowski, Senior Special Counsel, Natasha Vij Greiner, Branch Chief, Jonathan C. Shapiro, Special Counsel, at 202–551–5550, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: The Commission is proposing for public comment Rule of Practice 194 [17 CFR 201.194], under Exchange Act Section 15F(b)(6) [15 U.S.C. 78o–10(b)(6)].

Table of Contents

I. Background
  A. Registration Proposing Release
  B. Registration Adopting Release
II. Discussion
  A. Overview of Proposed Rule
  B. Consistency With Other Processes for Permitting Association Notwithstanding a Statutory Disqualification or Other Bar
  1. Rule of Practice 193
  2. FINRA Eligibility Proceedings
  3. CFTC's Approach to Associated Persons of Swap Entities Subject to a Statutory Disqualification
  C. Proposed Rule of Practice 194
  1. Scope of the Rule
  2. Required Showing
  3. Form of Application for Natural Persons and Entities
  4. Written Statement for Natural Persons and Entities
  5. Prior Applications or Processes
  6. Notification to Applicant and Written Statement
  7. Orders under Proposed Rule of Practice 194
  8. Temporary Exclusion for Other Persons
  9. Notice in Lieu of an Application
  10. Note to Proposed Rule of Practice 194
III. Request For Comment
IV. Paperwork Reduction Act
  A. Summary of Collection of Information
  B. Proposed Use of Information
  C. Respondents
  D. Total Burden Estimates Relating to Proposed Rule of Practice 194
  E. Confidentiality
  F. Request for Comment
V. Economic Analysis
  A. Introduction
  B. General Economic Considerations
  C. Economic Baseline
  1. Affected Participants
  2. Incidence of Disqualification
  3. Existing Regulatory Frameworks

D. Benefits, Costs, and Effects on Efficiency, Competition, and Capital Formation
1. Anticipated Benefits
2. Anticipated Costs
3. Effects on Efficiency, Competition, and Capital Formation
E. Rule Alternatives
1. Relief for All Entities from Exchange Act Section 15F(b)(6)
2. A Modified Temporary Exclusion
3. Relief for Non-Investment-Related Offenses
4. No Relief for CFTC, SRO, Registered Futures Association Review
5. No Relief for Entities from Exchange Act Section 15(F)(b)(6)
F. Request for Comment
VI. Regulatory Flexibility Act Certification
A. Regulatory Framework
B. Assessment of Impact
C. Certification and Request for Comment
VII. Consideration of Impact on the Economy
VIII. Statutory Authority

I. Background

Exchange Act Section 15F(b)(6), as added by Section 764(a) of the Dodd-Frank Act, makes it unlawful for an SBS Entity to permit an associated person [1] 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, ''[e]xcept to the extent otherwise specifically provided by rule, regulation, or order of the Commission.'' [2] In this regard, Exchange Act Section 15F(b)(6) gives the Commission the discretion to determine, by order, that a statutorily disqualified associated person may effect or be involved in effecting security-based swaps on behalf of an SBS Entity, and/or to establish rules concerning the statutory prohibition in Exchange Act Section 15F(b)(6).

To date, however, the Commission has not established a separate, more specific rule by which an SBS Entity may apply 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 behalf of the SBS Entity. This proposal, if adopted, would establish such a rule. The proposal would specify the process for obtaining relief from the statutory prohibition in Exchange Act Section 15F(b)(6), including by setting forth the required showing, the form of application and the items to be addressed with respect to associated persons that are natural persons and that are not natural persons.

The proposal would provide a temporary exclusion from the prohibition in Exchange Act Section 15F(b)(6) that would apply both to the case where (i) an associated person entity that is already effecting or involved in effecting security-based swaps on behalf of an SBS Entity becomes subject to a statutory disqualification, and (ii) an entity that is already subject to a statutory disqualification becomes an associated person that is effecting or involved in effecting security-based swaps on behalf of an SBS Entity. Specifically, an SBS Entity would be temporarily excluded from the prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities (i) for a period of 30 days following the associated person becoming subject to a statutory disqualification or 30 days following the person that is subject to a statutory disqualification becoming an associated person of an SBS Entity; (ii) for a period of 180 days following the filing of a complete application under proposed Rule of Practice 194 and notice if the application and notice are filed within the same 30-day time period; and (iii) for a period of 180 days following the filing of a complete application with, or initiation of a process by, the CFTC, an SRO [3] or a registered futures association with respect to the associated person for the membership, association, registration or listing as a principal, where the application has been filed or process started prior to or within the same 30-day time period and a notice is filed with the Commission within the same 30-day period. The proposed Rule of Practice 194 also provides, in certain circumstances, an extension of the temporary exclusion from the prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities to comply with the prohibition in Section 15F(b)(6) in cases where the temporary exclusion expires or where there is an adverse decision.

Finally, this proposal would provide that an SBS Entity may permit, subject to certain conditions, an associated person (whether a natural person or an entity) that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, without making an application, where the Commission, CFTC, an SRO or a registered futures association has granted a prior application or otherwise granted relief from a statutory disqualification with respect to the associated person.

A. Registration Proposing Release

On October 12, 2011, the Commission proposed requirements for an SBS Entity to register with the Commission, as well as additional provisions related to registration.[4] In the Registration Proposing Release, the Commission solicited comment on potentially developing an alternative process, in accordance with Exchange Act Section 15F(b)(6), to establish exceptions to the statutory prohibition in Exchange Act Section 15F(b)(6).[5] In doing so, the Commission noted that Section 15F(b)(6) expressly authorizes the Commission to establish exceptions to the prohibition by rule, regulation or order.[6] The Commission also solicited comment on whether the Commission should consider excepting entities from the statutory prohibition in Exchange Act Section 15F(b)(6).[7]

The Commission received one comment relevant to potentially developing an alternative process to establish exceptions to Exchange Act Section 15F(b)(6).[8] The commenter

[1] 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. *See* 15 U.S.C. 78c(a)(70). The definition generally excludes persons whose functions are solely clerical or ministerial. *Id.* 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. 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.'').

[2] Exchange Act Section 15F(b)(6) provides: ''Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, if the security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.'' 15 U.S.C. 78o–10(b)(6).

[3] ''Self-regulatory organization'' is defined in Section 3(a)(26) of the Exchange Act (15 U.S.C. 78c(a)(26)) as ''any national securities exchange, registered securities association, or registered clearing agency, or (soley for the purposes of sections 19(b), 19(c) and 23(b) of [the Exchange Act]) the Municipal Securities Rulemaking Board established by section 15B of [the Exchange Act].''

[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) (''Registration Proposing Release'').

[5] *Id.* at 65797.

[6] *Id.*

[7] *Id.* at 65797 (Question 90).

[8] *See* Letter from Kenneth E. Bentsen, Jr., Securities Industry and Financial Markets Association, dated December 16, 2011 (''12/16/2011 SIFMA Letter''), at 8.

stated 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 will effect or will be involved in effecting security-based swaps.[9] Moreover, the commenter stated that the definition of ''associated person'' could be read to extend not just to natural persons, but also to non-natural persons (*e.g.,* entities) that are affiliates of SBS Entities.[10] As a result, the commenter stated, prohibiting statutorily disqualified entities from effecting or being involved in effecting security-based swaps could result in ''considerable'' business disruptions and other ramifications.[11]

To address these concerns, the commenter stated that the Commission should narrow the scope of the associated persons considered to be effecting or involved in effecting security-based swaps, or, alternatively, exercise its statutory authority to grant exceptions to the general ban on an SBS Entity from associating with a person subject to a statutory disqualification.[12]

B. Registration Adopting Release

Concurrent with the issuance of this proposing release,[13] the Commission is adopting registration requirements for SBS Entities.[14] Several aspects of the adopted rules relate to the statutory prohibition in Exchange Act Section 15F(b)(6). In particular, the Commission adopted Exchange Act Rule 15Fb6–1,[15] which provides that, unless otherwise ordered by the Commission, an SBS Entity, when it files an application to register with the Commission as a security-based swap dealer or major security-based swap participant, may permit an associated person 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 disqualification(s) under Exchange Act Section 3(a)(39)(A) through (F) [16] occurred prior to the compliance date set forth in the Registration Adopting Release. SBS Entities seeking to avail themselves of the relief for disqualified associated entities will have to provide a list of disqualified associated entities, which will be made public by the Commission as part of the registration application.[17]

The Commission also adopted a requirement in Rule 15Fb6–2 that the Chief Compliance Officer of an SBS Entity certify on Form SBSE–C that it has performed background checks on all of its associated persons that are natural 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 of its associated persons that effect or are involved in effecting security-based swaps on its behalf are subject to a statutory disqualification, unless otherwise specifically provided by rule, regulation or order of the Commission.[18]

Finally, the Commission modified its guidance on the scope of the phrase ''involved in effecting'' security-based swaps, as that phrase is used in Exchange Act Section 15F(b)(6).[19]

II. Discussion

A. Overview of Proposed Rule

The Commission is proposing Rule of Practice 194, which would provide a process by which an SBS Entity could apply to the Commission for an order permitting an associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where the associated person is subject to a statutory disqualification [20] and is thereby otherwise prohibited from effecting or being involved in effecting security-based swaps on behalf of an SBS Entity under Exchange Act Section 15F(b)(6). For the Commission to issue an order granting relief under proposed Rule of Practice 194, an SBS Entity would be required to make a showing that it would be consistent with the public interest to permit the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, notwithstanding the statutory disqualification.

The rule would prescribe the form of application and the items to be addressed with respect to an associated person that is a natural person or entity. The rule would also provide for notice to the applicant in cases where the Commission staff anticipates making an adverse recommendation to the Commission with respect to an application made pursuant to this rule. In such cases, the applicant would be provided with a written statement of the reasons for the Commission staff's preliminary recommendation, and the applicant would have 30 days to submit a written statement in response.

The Commission is also proposing paragraph (i) to proposed Rule of

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[9] *Id.*

[10] *Id.*

[11] *Id.* The commenter did not provide supporting data to quantify the number of associated persons or the magnitude of any potential business disruptions.

[12] *Id.*

[13] 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* 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 (June 15, 2011), 76 FR 36287, 36301, 36305–07 (June 22, 2011) (''Temporary Exemptions Order''). Under the Temporary Exemptions Order, persons subject to a statutory disqualification who were, as of July 16, 2011, associated with an SBS Entity and who effected or were involved in effecting security-based swaps on behalf of such SBS Entity could continue to be associated with an SBS Entity until the date upon which rules adopted by the Commission to register SBS Entities became effective. The Commission will consider separately the expiration date of the temporary relief.

[14] Registration Process for Security-Based Swap Dealers and Major Security-Based Swap Participants, Exchange Act Release No. 75611 (Aug. 5, 2015) (the ''Registration Adopting Release'').

[15] 17 CFR 240.15Fb6–1.

[16] 15 U.S.C. 78c(a)(39)(A)–(F). As stated in the Registration Adopting Release, 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 Exchange Act Rule 15Fb6–2, 17 CFR 240.14Fb6–2, to assure that this description remains consistent with the statutory definition. *See* Registration Adopting Release, at Note 63.

[17] *See* Registration Adopting Release, at Section II.B.1.i.

[18] *See* Rule 15Fb6–2(a) and Form SBSE–C; *see also* Registration Adopting Release, at Section II.B.3.

[19] Specifically, the Commission stated that the term ''involved in effecting security-based swaps'' generally means engaged in functions necessary to facilitate the SBS Entity'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. *See* Registration Adopting Release, at Section II.B.1.ii.

[20] Under Exchange Act Rule 15Fb6–1, 17 CFR 240.15Fb6–1, unless otherwise ordered by the Commission, an SBS Entity, when it files an application to register with the Commission as a security-based swap dealer or major security-based swap participant, may permit an associated person 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 disqualification(s) under Exchange Act Section 3(a)(39)(A) through (F), 15 U.S.C. 78c(a)(39)(A)–(F), occurred prior to the compliance date set forth in the Registration Adopting Release, 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 a result, at the time a security-based swap dealer or major security-based swap participant submits an application to register as an SBS Entity, it would not have to file an application with the Commission under proposed Rule of Practice 194 with respect to an associated person entity that is subject to a statutory disqualification that occurred prior to the compliance date set forth in the Registration Adopting Release. *See* Registration Adopting Release, at Section II.B.1.i.

Practice 194, which would provide that an SBS Entity shall be temporarily excluded from the prohibition in Exchange Act Section 15F(b)(6) with respect to a statutorily disqualified associated person that is not a natural person (i) for a period of 30 days following the associated person becoming subject to a statutory disqualification or 30 days following the person that is subject to a statutory disqualification becoming an associated person of an SBS Entity, (ii) for a period of 180 days following the filing of a complete application under proposed Rule of Practice 194 and notice if the application and notice are filed within the same 30-day time period; and (iii) for a period of 180 days following the filing of a complete application with, or initiation of a process by, the CFTC, an SRO or a registered futures association with respect to the associated person for the membership, association, registration or listing as a principal, where the application has been filed or process started prior to or within the same 30-day time period and a notice has been filed with the Commission within the same 30-day time period. Proposed Rule of Practice 194(i) also provides in paragraphs (i)(1)(ii), (i)(1)(iii) and (i)(3) for an extension of the temporary exclusion to comply with the statutory prohibition in Exchange Section 15F(b)(6).

In addition, the Commission is proposing paragraph (j) to Rule of Practice 194, which provides that, where certain conditions are met, an SBS Entity would not need to file an application under proposed Rule of Practice 194 to permit a statutorily disqualified associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. Specifically, paragraph (j) to proposed Rule of Practice 194 would allow an SBS Entity, subject to certain conditions, to permit a statutorily disqualified associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity without making an application to the Commission, where the Commission, CFTC, an SRO (*e.g.,* FINRA or a national securities exchange), or a registered futures association (*e.g.,* the National Futures Association (''NFA'')) has granted a prior application or otherwise granted relief from a statutory disqualification with respect to that associated person. In such cases where an SBS Entity meets the requirements of proposed paragraph (j), the SBS Entity would be permitted to file notice with the Commission (in lieu of an application).

B. Consistency With Other Processes for Permitting Association Notwithstanding a Statutory Disqualification or Other Bar

Under the federal securities laws, certain registered entities have various procedural avenues to be able to associate, where warranted, with persons subject to a statutory disqualification or other bar, including the Commission's Rule of Practice 193 [21] and Financial Industry Regulatory Authority (''FINRA'') eligibility proceedings (under the process set forth in Exchange Act Rule 19h–1).[22] As detailed below in Section II.C, Proposed Rule of Practice 194 is modeled on these existing processes where persons can reenter the industry despite previously being barred by the Commission or to associate with a member of an SRO notwithstanding a statutory disqualification. Proposed Rule of Practice 194 would establish a procedural framework that is similar to processes that are familiar to market participants.

1. Rule of Practice 193

Rule of Practice 193 provides a process by which individuals that are not regulated by an SRO (*e.g.,* employees of an investment adviser, an investment company, or a transfer agent) can seek to reenter the securities industry despite previously being barred by the Commission.[23]

The rule requires the filing of an affidavit from the individual, addressing, among other items, (1) the time period since the imposition of the bar; (2) any restitution or similar action taken by the individual to recompense any person injured by the misconduct that resulted in the bar; (3) the individual's employment during the period subsequent to imposition of the bar; (4) the capacity or position in which the individual proposes to be associated; (5) the manner and extent of supervision to be exercised over such individual and, where applicable, by such individual and (6) any relevant courses, seminars, examinations or other actions completed by the individual subsequent to imposition of the bar to prepare for his or her return to the securities business.[24]

Rule 193 also requires a written statement from the proposed employer, describing, among other things, the terms and conditions of employment and the supervision to be exercised over the barred individual.[25]

2. FINRA Eligibility Proceedings

Under Exchange Act Section 15A(g)(2), ''[a] registered securities association may, and in cases in which the Commission, by order, directs as necessary or appropriate in the public interest or for the protection of investors shall, deny membership to any registered broker or dealer, and bar from becoming associated with a member any person, who is subject to a statutory disqualification.'' [26] Consistent with that provision, Article III, Section 3 of the FINRA By-Laws provides that no person shall be associated with a member, continue to be associated with a member, or transfer association to another member if such person is or becomes subject to a disqualification; and, that no person shall be admitted to membership, and no member shall be continued in membership, if any person associated with it is subject to a disqualification.[27] Under Article III, Section 4 of the FINRA By-Laws, a person is subject to a ''disqualification'' with respect to membership, or association with a member, if such person is subject to any ''statutory disqualification'' as such term is defined in Exchange Act Section 3(a)(39).[28] Article III, Section 3(d) of FINRA's By-Laws permits a disqualified person or member to request permission to enter or remain in the securities industry.[29] Consistent with Exchange Act Section 15A(g)(2),[30] under Article 3, Section 3(d) of the FINRA By-Laws, the FINRA Board may, in its discretion approve the continuance in membership, and may also approve the association or continuance of association of any person, if the FINRA Board determines that such approval is consistent with the

[21] 17 CFR 201.193.

[22] 17 CFR 240.19h–1.

[23] 17 CFR 201.193; *see also* Registration Proposing Release, 76 FR at 65797; Applications by Barred Individuals for Consent to Associate With a Registered Broker, Dealer, Municipal Securities Dealer, Investment Adviser or Investment Company, Exchange Act Release No. 20783, Investment Company Act Release No. 13839, Investment Advisers Act Release No. 903, 49 FR 12204 (Mar. 29, 1984) (''Applications by those barred individuals who seek to associate with an investment adviser, investment company, or other entity that is not a member of an SRO, should be submitted directly to the Commission pursuant to Rule 29 [current Rule 193]'').

[24] 17 CFR 201.193(b), (d).

[25] 17 CFR 201.193(b)(4)(i)–(iv).

[26] 15 U.S.C. 78o–3(g)(2).

[27] *See* FINRA By-laws, Article III, Section 3, *http://finra.complinet.com/en/display/display_main.html?rbid=2403&element_id=4606.*

[28] *See* FINRA By-Laws, Article III, Section 4, *http://finra.complinet.com/en/display/display_main.html?rbid=2403&element_id=4607*; 15 U.S.C. 78c(a)(39).

[29] *See* FINRA By-laws, Article III, Section 3, at Note 27, *supra.*

[30] 15 U.S.C. 78o–3(g)(2).

public interest and the protection of investors.[31]

The FINRA Rule 9520 Series sets forth procedures for a person to become or remain associated with a member, notwithstanding the existence of a statutory disqualification, and for a current member or person associated with a member to obtain relief from the eligibility or qualification requirements of the FINRA By-Laws and rules.[32] A member (or new member applicant) seeking to associate with a natural person subject to a statutory disqualification must seek approval from FINRA by filing a Form MC–400 application.[33] Members (and new member applicants) that are themselves subject to a disqualification that wish to obtain relief from the eligibility requirements are required to submit a Form MC–400A application.[34]

Where required, FINRA sends a notice or notification to the Commission of its proposal to admit or continue the membership of a person or association with a member notwithstanding statutory disqualification in accordance with Exchange Act Rule 19h–1.[35] Exchange Act Rule 19h–1 provides for Commission review of notices filed by SROs proposing to admit any person to, or continue any person in, membership or association with a member, notwithstanding statutory disqualification. However, Exchange Act Rule 19h–1(a)(2)[36] and (3)[37] provide that, for certain persons, and in limited circumstances, a notice does not need to be filed. With respect to certain persons subject to a statutory disqualification, under Exchange Act Rule 19h–1(a)(4),[38] an SRO is required to furnish to the Commission a notification (containing less information than a notice). Under Exchange Act Section 15A(g)(2),[39] where it is necessary or appropriate in the public interest or for the protection of investors, the Commission may, by order, direct the SRO to deny membership to any registered broker or dealer, and bar from becoming associated with a member any person, who is subject to a statutory disqualification.

3. CFTC's Approach to Associated Persons of Swap Entities Subject to a Statutory Disqualification

The statutory prohibition in Exchange Act Section 15F(b)(6)[40] is parallel to a statutory provision for a swap dealer or major swap participant (collectively ''Swap Entity'') as set forth in Section 4s(b)(6) of the Commodity Exchange Act (''CEA'').[41] With respect to statutorily disqualified associated persons of Swap Entities, the CFTC, among other things:

- Defined associated persons of Swap Entities to be limited to natural persons.[42] As a result, the prohibition in Section 4s(b)(6) of the CEA[43] applies to natural persons associated with a Swap Entity (not entities).
- Adopted Regulation 23.22(b), permitting association with a Swap Entity with respect to a person 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, notwithstanding that the person is subject to a statutory disqualification under the CEA.[44] With respect to those applicants or registrants, NFA Registration Rule 504 sets forth procedures governing applicants and registrants statutorily disqualified from registration under CEA Section 8a(2), 8a(3) or 8a(4).[45] Under NFA Registration Rules 504(b)(2) and 507, the applicant or registrant must show that, notwithstanding the existence of a statutory disqualification, his registration would pose no substantial risk to the public.[46] Likewise, under CFTC Regulation 3.60(b)(2)(i), (e)(1) and (2)[47] an applicant or registrant must show that registration would not pose a substantial risk to the public despite the existence of the statutory disqualification.[48]

[31] *See* FINRA Rules 9522(e), 9524(b)(1).

[32] *See* FINRA Rule 9520 Series, *http://finra.complinet.com/en/display/display_viewall.html?rbid=2403&element_id=3985&record_id=5063&filtered_tag=*.

[33] *See* FINRA Form MC–400, *Membership Continuance Application, http://www.finra.org/web/groups/industry/@ip/@enf/@adj/documents/industry/p011542.pdf*.

[34] *See* FINRA Form MC–400A, *Membership Continuance Application: Member Firm Disqualification Application, http://www.finra.org/web/groups/industry/@ip/@enf/@adj/documents/industry/p013339.pdf*.

[35] 17 CFR 240.19h–1.

[36] Exchange Act Rule 19h–1(a)(2), 17 CFR 240.19h–1(a)(2), provides that a notice need not be filed with the Commission, pursuant to Exchange Act Rule 19h–1, regarding an associated person subject to a statutory disqualification if the person's activities with respect to the member are solely clerical or ministerial in nature and such person does not have access to funds, securities, or books and records.

[37] Exchange Act Rule 19h–1(a)(3), 17 CFR 240.19h–1(a)(3), provides that a notice need not be filed with the Commission, pursuant to Exchange Act Rule 19h–1, regarding a person or member subject to a statutory disqualification if the person or member proposed for continued association or membership, respectively, satisfies the requirements of Exchange Act Rule 19h–1(a)(3)(i)–(vi).

[38] 17 CFR 240.19h–1(a)(4). A notification must be filed if the person or member proposed for continued association or membership, respectively, satisfies the requirements of Exchange Act Rule 19h–1(a)(3)(ii), (iv) or (v). 17 CFR 240.19h–1(a)(3)(ii), (iv), (v).

[39] 15 U.S.C. 78o–3(g)(2).

[40] 15 U.S.C. 78o–10(b)(6).

[41] *See* 7 U.S.C. 6s(b)(6), which states, ''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.''

[42] Specifically, the CFTC amended CEA Regulation 1.3(aa), 17 CFR 1.3(aa), which generally defines the term ''associated person'' for purposes of entities registered with it, to cover Swap Entities. Consequently, with respect to Swap Entities, 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.''

[43] *See* 7 U.S.C. 6s(b)(6).

[44] *See* Registration of Swap Dealers and Major Swap Participants, 77 FR 2613, 2315 (Jan. 19, 2012) (''CFTC Registration Release''). Specifically, CFTC Regulation 23.22(b) provides: ''No swap dealer or major swap participant may permit a person who is subject to a statutory disqualification under section 8a(2) or 8a(3) of the [CEA] to effect or be involved in effecting swaps on behalf of the [Swap Entity], if the [Swap Entity] knows, or in the exercise of reasonable care should know, of the statutory disqualification; Provided, however, that the prohibition set forth in this paragraph (b) shall not apply to any person listed as a principal or registered as an associated person of a futures commission merchant, retail foreign exchange dealer, introducing broker, commodity pool operator, commodity trading advisor, or leverage transaction merchant, or any person registered as a floor broker or floor trader, notwithstanding that the person is subject to a disqualification from registration under section 8a(2) or 8a(3) of the [CEA].'' 17 CFR 23.22(b).

[45] 7 U.S.C. 12a(2), (3) or (4).

[46] Specifically, under NFA Registration Rule 507(a)(1), in actions involving statutory disqualification set forth in CEA Section 8a(2), 7 U.S.C. 12a(2), the applicant or registrant must make a clear and convincing showing that, notwithstanding the existence of the statutory disqualification, full or conditioned registration would not pose a substantial risk to the public; under NFA Registration Rule 507(a)(2), in actions involving statutory disqualification set forth in CEA Section 8a(3) or 8a(4), 7 U.S.C. 12a(3) or (4), the applicant or registrant must show by a preponderance of the evidence that, notwithstanding the existence of the statutory disqualification, full or conditioned registration would not pose a substantial risk to the public.

[47] 17 CFR 3.60(b)(2)(i), (e)(1), (e)(2).

[48] Under CFTC Regulation 3.60(e)(1), 17 CFR 3.60(e)(1), in actions involving statutory disqualifications set forth in CEA Section 8a(2), 7 U.S.C. 12a(2), the applicant or registrant must make a clear and convincing showing that full, conditioned or restricted registration would not pose a substantial risk to the public despite the existence of the statutory disqualification. Under CFTC Regulation 3.60(e)(2), 17 CFR 3.60(e)(2), in actions involving statutory disqualifications set forth in CEA Section 8a(3) or 8a(4), 7 U.S.C. 12a(3) or (4), the applicant or registrant must make a showing by a preponderance of the evidence that full, conditioned or restricted registration would not pose a substantial risk to the public despite the existence of the statutory disqualification.

• In addition, CFTC staff has issued no-action relief to Swap Entities that allows them to permit a statutorily disqualified associated person to effect or be involved in effecting swap transactions on behalf of a Swap Entity, provided that NFA provides notice to the Swap Entity that, had the person applied for registration as an associated person, NFA would have granted such registration.[49] NFA has established a process by which such associated persons of Swap Entities may apply for relief from CEA Section 4s(b)(6).[50]

C. Proposed Rule of Practice 194

1. Scope of the Rule

Proposed paragraph (a) defines the scope of proposed Rule of Practice 194, providing a process for submitting applications by an SBS Entity seeking an order of the Commission permitting an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. The proposed rule would allow an SBS Entity to voluntarily submit an application to the Commission to request an order where an associated person of an SBS Entity is subject to a statutory disqualification and thereby prohibited from effecting or being involved in effecting security based swaps on behalf of the SBS Entity under Exchange Act Section 15F(b)(6).[51]

Notably, however, where the conditions set forth in proposed paragraph (j) are met, an SBS Entity would not need to file an application under Rule of Practice 194 to permit a statutorily disqualified associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. In such instances, a more limited notification would be required.

2. Required Showing

Proposed paragraph (b) sets forth the required showing for an application under proposed Rule of Practice 194. For the Commission to issue an order granting relief under proposed Rule of Practice 194, the Commission would need to find that it would be consistent with the public interest to permit the associated person of 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.

In meeting the burden of showing that permitting the associated person to effect or be involved in effecting security based swaps on behalf of the SBS Entity is consistent with the public interest, the application and supporting documentation must demonstrate that the terms or conditions of association, procedures, or proposed supervision (if the associated person is a natural person), for an associated person are reasonably designed to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity in compliance with the applicable statutory and regulatory framework. In addition to the items set forth in paragraphs (d) and (f) of proposed Rule of Practice 194, the Commission would consider the nature of the findings that resulted in the statutory disqualification in determining whether the association is consistent with the public interest.

The Commission preliminarily believes that the public interest standard is appropriate because it is consistent with the overall purpose of the Exchange Act, and specifically for ''transactions in securities . . . [to be] effected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto.'' [52] By prohibiting an SBS Entity from allowing a statutorily disqualified associated person from effecting or being involved in effecting security-based swap transactions, absent Commission relief, we believe that Exchange Act Section 15F(b)(6) is designed to limit the potential that associated persons who have engaged in certain types of ''bad acts'' will be able to negatively impact the security-based swap market, and the participants and investors in that market. However, Section 15F(b)(6) also specifically provides that the Commission can allow SBS Entities to continue to permit such statutorily disqualified associated persons to effect or be involved in effecting security-based swap transactions. The Commission preliminarily believes that the public interest standard is intended to capture those situations where the risk of the associated person engaging in security-based swap activity that may harm the market or the participants in the market is mitigated. For example, other items including, but not limited to, other misconduct in which the associated person may have engaged, the nature and disciplinary history of the associated person and SBS Entity requesting such relief, and the supervision to be accorded the associated person, would be relevant to the Commission's consideration of whether the risks of permitting such associated persons to effect or be involved in effecting security-based swaps on behalf of the SBS Entity are sufficiently mitigated. The Commission preliminarily believes that the public interest standard appropriately reflects this type of analysis.[53]

3. Form of Application for Natural Persons and Entities

Proposed paragraphs (c) and (e) specify the form of the application to be submitted under proposed Rule of Practice 194 for natural persons and entities (respectively). Proposed paragraphs (c) and (e) would require that each application with respect to an associated person subject to a statutory disqualification shall be supported by a written statement, signed by a knowledgeable person authorized by the SBS Entity, which addresses the items in proposed Rule of Practice 194(d) and (f).[54]

The Commission proposes that the SBS Entity (rather than the associated person) submit the application, including by providing the signed written statement under proposed paragraphs (c) and (e), for several reasons. First, the SBS Entity is the person that is subject to the restrictions under Exchange Act Section 15F(b)(6). Second, requiring an SBS Entity to submit the written statement with respect to an associated person would reinforce, in certain circumstances, the necessity of additional oversight by the SBS Entity over the associated person that is subject to a statutory disqualification, as SBS Entities would determine what information and documents to include in an application with respect to an associated person.[55] Third, as specified below, the Commission is proposing to require information (*e.g.,* concerning the supervision by the SBS Entity over the

[49] *See* Staff No-Action Positions: Registration Relief for Certain Persons, CFTC Letter No. 12–15, at 5–8 (Oct. 11, 2012) (''CFTC Staff No-Action Letter''), *available at http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/12-15.pdf.*

[50] *See* NFA, EasyFile AP Statutory Disqualification Form Submission, *https://www.nfa.futures.org/NFA-electronic-filings/easyFile-statutory-disqualification.HTML.*

[51] 15 U.S.C. 78o–10(b)(6).

[52] *See, e.g.,* Exchange Act Section 2, 15 U.S.C. 78b.

[53] A public interest standard also is consistent with the standard in Rule of Practice 193. *See* 17 CFR 201.193(c).

[54] In addition to the information required in proposed paragraph (c)–(g), the Commission reserves the right to request from the applicant supplementary information to assist in its review. *See* proposed Rule of Practice 194, Appendix, paragraph (c), and Section II.C.10, *infra.*

[55] *See* proposed Rule of Practice 194, Appendix, paragraph (b).

associated person) that is within the possession of the SBS Entity itself. [56]

The application would be filed pursuant to Rules of Practice 151, 152 and 153.[57] The Commission believes filing pursuant to these rules would provide the Commission with the information that it needs to assess an application under proposed Rule of Practice 194.

Proposed paragraphs (c) and (e) would require that the following exhibits be included with an application to help the Commission assess whether it is consistent with the public interest to allow the associated person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity:

• Proposed paragraphs (c)(1) and (e)(1) would require a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification. The proposed requirement would help inform the Commission about the nature of the conduct that led to the statutory disqualification. For example, in the event that the statutory disqualification arose from misconduct relating to security-based swap transactions in particular, or is otherwise investment-related, it may inform the Commission's decision of whether it is consistent with the public interest for the associated person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.

• Proposed paragraphs (c)(2) and (e)(2) would require an undertaking by the applicant to notify the Commission promptly in writing if any information submitted in support of the application becomes materially false or misleading while the application is pending. This proposed requirement is designed to require that information provided by the applicant be complete and accurate so that the Commission is provided the necessary information in order to effectively evaluate the pending application.

• Proposed paragraphs (c)(4) and (e)(5) would require a copy of any decision, order, or document issued with respect to any proceedings [58] resulting in the imposition of disciplinary sanctions or pending proceeding against the associated person by the Commission, CFTC, any federal or state or law enforcement regulatory agency, registered futures association, foreign financial regulatory authority, registered national securities association, or any other SRO, or commodities exchange, or any court, that occurred during the five years preceding the filing of the application pursuant to proposed Rule of Practice 194. The Commission believes that the information required by this proposed provision would be useful to assess the disciplinary history of the associated person. The disciplinary history of the associated person subject to a statutory disqualification provides the Commission with relevant information to help assess the risk that the associated person may engage in future misconduct. The Commission is requesting the underlying decision, order, or other document itself (as opposed to a description or record of the decision), so that the Commission can directly review the materials to assess the disciplinary history of the associated person. Where the associated person has a history of misconduct, in addition to the conduct that triggered the statutory disqualification, the Commission generally would be less likely to find it in the public interest to permit the associated person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity. In addition, this proposed requirement would help inform the Commission of any pending proceedings against the associated person, which may factor into the totality of the information when the Commission makes a determination as to whether the associated person should be allowed to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. In this context, the Commission preliminarily believes that the five-year timeframe is appropriate. We balanced the burden that may be imposed by requiring SBS Entities to provide older materials and documents that may not be as readily available with our need to evaluate the context and circumstances underlying the application.

In addition to the information above, proposed paragraph (c) of the proposed rule would require that each application with respect to an associated person that is a *natural person* include the following information and documents:

• Proposed paragraph (c)(3) would require a copy of the questionnaire or application for employment specified in Exchange Act Rule 15Fb6–2(b) with respect to the associated person,[59] which would provide the Commission with basic background information concerning the associated person, as well as the disciplinary history of the associated person. Information concerning the disciplinary history of the associated person is important because it may help the Commission assess the risk of future misconduct by the associated person.

Additionally, proposed paragraph (e) of the proposed rule would require that each application with respect to an associated person that is *not a natural person* include the following information and documents:

• Proposed paragraph (e)(3) would require a copy of any organizational charts of the associated person, if available. To the extent that the associated person employs any natural persons subject to a statutory disqualification (which would be required to be disclosed pursuant to paragraph (e)(6) of proposed Rule of Practice 194, discussed *infra*), organizational charts would assist the Commission in assessing whether such natural persons are supervising or being supervised by other natural persons that are also subject to a statutory disqualification, whether directly (*i.e.,* an immediate supervisor) or indirectly. This information would assist the Commission in making its determination because, for example, the concentration of statutorily disqualified natural persons in an associated person entity could pose a greater risk of future misconduct by such associated person entity.

[56] In addition, requiring an SBS Entity to submit the application would provide a familiar practice, as it is consistent with the current practice for SBS Entities that are registered with FINRA under FINRA Form MC–400. In particular, under FINRA Form MC–400, an application for a statutorily disqualified associated person who is a natural person of a member firm is submitted by a member firm (not by the individual). *See* FINRA Form MC–400, Note 33, *supra; see also* Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change to Adopt FINRA Rule 1113 (Restriction Pertaining to New Member Applications) and to Amend the FINRA Rule 9520 Series (Eligibility Proceedings), Exchange Act Release No. 63933 (Feb. 18, 2011), 76 FR 10629, 10630 (Feb. 25, 2011) (''A member (or new member applicant) seeking to associate with a person subject to a disqualification must seek approval from FINRA by filing a Form MC–400 application, pursuant to the FINRA Rule 9520 Series.'').

[57] 17 CFR 201.151, 201.152, 201.153. Rule of Practice 151, 17 CFR 201.151, concerns the procedure for filing of papers with the Commission; Rule of Practice 152, 17 CFR 201.152, concerns the form of filing papers with the Commission; Rule of Practice 153, 17 CFR 201.153, concerns the signature requirement and effect of filing papers.

[58] For purposes of providing the information requested by paragraphs (c)(4) and (c)(5), applicants should look to the definition of ''proceeding'' in Form SBSE, which states that a ''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).'' *See* Registration Adopting Release, at Section II.G.1, and Form SBSE.

[59] *See* Registration Adopting Release, at Section II.B.2.

• Proposed paragraph (e)(4) would require a copy of policies and procedures relating to the conduct resulting in the statutory disqualification that the associated person entity has in place to ensure compliance with any federal or state securities laws, the CEA, the rules or regulations thereunder, or the rules of the Municipal Securities Rulemaking Board, any SRO, or any foreign regulatory authority, as applicable. Such information would help inform the Commission as to whether the associated person entity has adequate policies and procedures in place, to the extent applicable, to ensure compliance with the federal securities laws or SRO rules. The information requested here is also consistent with the statutory scheme, as violations of the statutes and regulations listed here may result in a statutory disqualification under Exchange Act Section 3(a)(39).[60] Given that violations of any of the statutes and regulations listed here may result in a statutory disqualification under Section 3(a)(39) of the Exchange Act, the Commission believes that information about the associated person entity's policies and procedures would help inform the Commission as to steps taken to reduce the risk of further misconduct by the associated person entity. In particular, the Commission believes that where the associated person entity does not have sufficient policies and procedures to help ensure compliance with applicable laws, rules and regulations, there is a greater risk that the entity will engage in future misconduct.

• Proposed paragraph (e)(6) would require the name of any natural persons employed by the associated person that are subject to a statutory disqualification and would effect or be involved in effecting security-based swaps on behalf of the SBS Entity. For any such natural person, the applicant should indicate whether the individual is an officer, partner, direct or indirect owner of the associated person. Because an SBS Entity separately would be required to seek relief under proposed Rule of Practice 194 for any such natural persons to be able to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, the application would only require a list of the names, not any further information that would be included in those separate applications.

[60] *See* 15 U.S.C. 78c(a)(39); 15 U.S.C. 78o(b)(4).

4. Written Statement for Natural Persons and Entities

Proposed paragraphs (d) and (f) under Rule of Practice 194 set forth the items to be addressed for applications with respect to natural persons and entities (respectively). Each of the items in proposed paragraphs (d) and (f) would be addressed in the written statement required by proposed paragraphs (c) and (e). The Commission believes that the items listed are important to help the Commission assess whether it would be consistent with the public interest to allow the associated person subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity.

• Proposed paragraphs (d)(1) and (f)(2) would require an applicant to address the associated person's compliance with any order resulting in the statutory disqualification, including whether the associated person has paid fines or penalties, disgorged monies, made restitution or paid any other monetary compensation required by any such order. Whether an associated person has complied in full with any order resulting in the statutory disqualification (including with all monetary penalties imposed) could be relevant to assessing whether it is consistent with the public interest to allow the associated person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity. This information could be relevant because the Commission believes that it generally would not be consistent with the public interest to issue an order granting relief under proposed Rule of Practice 194 with respect to persons that have failed to abide by the terms of a prior order resulting in a statutory disqualification. The Commission believes that the failure to comply with an order resulting in the statutory disqualification may be relevant for assessing the risk of whether an associated person subject to a statutory disqualification may engage in future misconduct.

• Proposed paragraphs (d)(3) and (f)(3) would require the applicant to address the capacity or position in which the associated person subject to a statutory disqualification proposes to be associated with the SBS Entity. In addressing the capacity or position in which the associated person subject to a statutory disqualification proposes to be associated with the SBS Entity, the applicant should provide a description of the proposed duties and responsibilities of the associated person. An associated person effecting or ''involved in effecting'' [61] security-based swaps on behalf of an SBS Entity may operate in a varied range of capacities or positions, each presenting different risks. As a result, the information requested by paragraphs (d)(3) and (f)(3) would provide information about the nature of the activity that the associated person will be providing for the SBS Entity, and thus may help the Commission assess whether the associated person is engaging in activities that may create greater risks to SBS Entities, counterparties or other persons. In the event a prior application has been submitted with respect to the associated person, as set forth in proposed paragraph (g) to proposed Rule of Practice 194, the SBS Entity should describe in what manner the association will differ, if at all, from the association in any such prior application.

• Proposed paragraphs (d)(6) and (f)(6) would require the applicant to describe the compliance and disciplinary history, during the five years preceding the filing of the application, of the SBS Entity. In addition to the description of the compliance and disciplinary history, the applicant may provide any relevant documentation during the five years preceding the filing of the application, including, but not be limited to, the disclosure reporting pages on Forms SBSE, SBSE–A and SBSE–BD [62] for the SBS Entity with respect to events occurring, along with any letters of caution, deficiency letters or similar documents received from the Commission, an SRO or other law enforcement or regulatory agency. The Commission believes that information regarding the compliance and disciplinary history of the SBS Entity could be useful to the Commission in assessing the risk that the associated person subject to a statutory disqualification may engage in future misconduct. In cases where an associated person subject to a statutory disqualification will be employed at an SBS Entity with significant compliance and disciplinary issues during the five years preceding the filing of an application under proposed Rule of Practice 194, the Commission would consider, among other things noted in this rule, the nature of the conduct that resulted in the statutory disqualification in determining whether the association

[61] *See* Registration Adopting Release, at Section II.B.1.ii, for discussion of guidance about what it means to be ''involved in effecting'' security-based swaps in the context of Section 15F(b)(6) of the Exchange Act.

[62] *See* Registration Adopting Release, at Sections II.G.1, II.G.2, and II.G.3.

is consistent with the public interest. In this context, the Commission preliminarily believes that the five-year timeframe is appropriate. We balanced the burden that may be imposed by requiring SBS Entities to provide older materials and documents that may not be as readily available with our need to evaluate the circumstances underlying the application.

• Proposed paragraphs (d)(9) and (f)(5) would require a detailed statement of why the associated person should be permitted to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, including what steps the associated person or applicant have taken, or will take, to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity in compliance with the applicable statutory and regulatory framework. This proposed requirement is designed to provide an opportunity for an applicant to provide a narrative or rationale to explain why it is consistent with the public interest to allow the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity.

• Proposed paragraphs (d)(10) and (f)(7) would require an applicant to discuss whether, during the five years preceding the filing of the application, the associated person has been involved in any litigation concerning investment or investment-related activities [63] or whether there are there any unsatisfied judgments outstanding against the associated person concerning investment or investment-related activities, to the extent not otherwise covered by proposed paragraph (d)(9); if so, the applicant should provide details regarding such litigation or unsatisfied judgments. The Commission believes information concerning such litigation may factor into the totality of the information when the Commission makes a determination as to whether the associated person should be allowed to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. Information concerning unsatisfied judgments outstanding against the associated person concerning investment or investment-related activities may help inform the Commission as to whether the associated person subject to a statutory disqualification has abided by any judgment or order, or has failed to compensate persons as required by a court or other relevant authority. In this context, the Commission preliminarily believes that the five-year timeframe is appropriate. We balanced the burden that may be imposed by requiring SBS Entities to provide older information that may not be as readily available with our need to evaluate the circumstances underlying the application.

• Proposed paragraphs (d)(11) and (f)(8) would require any other information that the applicant believes to be material to the application. This provision is designed to require an applicant to provide all information that likely will be material to the Commission's consideration of an application under proposed Rule of Practice 194, notwithstanding that such information may not be specifically required by the rule. This provision also is designed to provide the applicant with an opportunity to provide any additional information that the applicant believes is important to the Commission's consideration of the SBS Entity's application under proposed Rule of Practice 194, but that is not specifically required by the rule.

In addition to the items discussed above, proposed paragraph (d) of the proposed rule would require applications with respect to *natural persons* to address the following items:

• Proposed paragraph (d)(2) would require the applicant to address the associated person's employment during the period subsequent to the issuance of the statutory disqualification. Where the associated person subject to a statutory disqualification has been employed without issue since the conduct resulting in the statutory disqualification, that fact may be relevant to the Commission's assessment as to whether it would be consistent with the public interest for the person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.

• Proposed paragraph (d)(4) would require the applicant to describe the terms and conditions of employment and supervision to be exercised over the associated person and, where applicable, by such associated person. The Commission is proposing this requirement so that the Commission will be able to better assess the extent to which the terms and conditions of employment and supervision may create or mitigate the risk that the associated person subject to a statutory disqualification may engage in future misconduct. Moreover, the Commission is proposing to require that the applicant describe any supervision to be exercised by the associated person because the Commission believes that there could be a greater risk of harm where an associated person that is subject to a statutory disqualification has greater supervisory responsibilities, or is supervising another person that is also subject to a statutory disqualification. In the event a prior application has been submitted with respect to the associated person, as set forth in proposed paragraph (g) to proposed Rule of Practice 194, the SBS Entity should describe in what manner the terms and conditions of employment and supervision will differ, if at all, from the supervision in any such prior application.

• Proposed paragraph (d)(5) would require the applicant to list the qualifications, experience, and disciplinary history [64] of the proposed supervisor(s) of the associated person. This provision is designed to assist the Commission in considering the capacity of the supervisor to oversee the associated person subject to a statutory disqualification in assessing whether the supervision of a person is likely to minimize the risk of future misconduct by the associated person. The Commission believes that the qualifications and experience of the supervisor of an associated person subject to a statutory disqualification has a bearing on the potential for future misconduct by that person.

• Proposed paragraph (d)(7) would require the applicant to list the names of any other associated persons at the SBS Entity who have previously been

[63] For purposes of providing the information requested by paragraphs (d)(10) and (f)(7), applicants should look to the definition of ''investment or investment-related'' in Form SBSE, which states that ''investment or investment-related'' includes ''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).'' *See* Registration Adopting Release, Form SBSE.

[64] Disciplinary history would include, for example, the items contained in Exchange Act Rule 17a–3(a)(12)(i)(D)–(G), 17 CFR 240.17a–3(a)(12)(i)(D)–(G), which items are required to be collected by broker-dealers with respect to their associated persons and are required to be provided on Form U–4. Such items include, among other things, a record of any disciplinary action taken, or sanction imposed, upon the associated person by any federal or state agency, or national securities exchange or national securities association, a record of any permanent or temporary injunction entered against the associated person, or a record of any arrest or indictment for any felony or certain specified types of misdemeanors. *See also* 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, 25205, 25308–09 (May 2, 2014).

subject to a statutory disqualification, and whether they are to be supervised by the associated person. Proposed Rule of Practice 194(d)(7) is designed to assist the Commission in assessing whether there could be a greater risk of misconduct where an associated person that is subject to a statutory disqualification is working directly with or is supervising another person that is subject to a statutory disqualification.

• Proposed paragraph (d)(8) would require the applicant to address whether the associated person has taken any relevant courses, seminars, examinations or other actions subsequent to becoming subject to a statutory disqualification to prepare for his or her participation in the security-based swap business. The information provided by proposed paragraph (d)(8) would inform the Commission as to whether the associated person has taken steps to apprise himself of relevant obligations under the federal securities or other laws or regulations, and, as a result, may factor into the Commission's decision as to whether it would be consistent with the public interest for the person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.

In addition to the items discussed above, proposed paragraph (f) of the proposed rule would require applications with respect to persons that are *not natural persons* to address the following items:

• Proposed paragraph (f)(1) would require general background information about the associated person, including (i) the number of employees, (ii) the number and location of offices, (iii) the type(s) of business(es) in which the associated person is engaged; and (iv) the SRO memberships and effective dates of such membership of the associated person, if applicable. This requirement would assist the Commission in understanding the business of the associated person, including determining what SROs, if any, oversee the associated person. The Commission believes that obtaining basic background information about the firm would aid the Commission in understanding the entity that is an associated person, and therefore aid in its assessment of whether it is in the public interest to permit the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity.

• Proposed paragraph (f)(4) would require a description of whether, with respect to the statutory disqualification and the sanctions imposed, the associated person was ordered to undertake any changes to its organizational structure or policies and procedures set forth in proposed Rule of Practice 194(e)(4), and to the extent that such changes were mandated, to describe what changes were mandated and whether the associated person has implemented them. This proposed requirement may aid the Commission in assessing whether the applicant has made changes to mitigate the occurrence of any future conduct that may result in statutory disqualification.

5. Prior Applications or Processes

Proposed paragraph (g) would require an applicant to provide as part of the application any order, notice or other applicable document reflecting the grant, denial or other disposition (including any dispositions on appeal) of any prior application concerning the associated person under proposed Rule of Practice 194 and other similar processes.[65] This provision is designed to inform the Commission when a similar application made with respect to the associated person has been granted or denied (or been subject to some other disposition).

Information concerning the grant or denial (or other disposition) of a prior application or other request for relief, and the reasons for the grant or denial, may be relevant to the Commission's assessment as to whether it would be consistent with the public interest for the person to effect or be involved in effecting security-based swaps on behalf of an SBS Entity. For example, in the event that a prior application has been granted, but the terms and conditions of employment with the other registrant are materially different from the SBS Entity, the Commission could consider whether the terms and conditions at the SBS Entity that are different may result in any greater risk of future misconduct. In addition, if a prior application has been denied the Commission may take into consideration the prior application or request for relief in its determination of whether permitting an associated person to effect or be involved in effecting security based swaps on behalf of the SBS Entity would be consistent with the public interest to grant an application under Rule of Practice 194. Notably, under such circumstances (*i.e.,* a denial or where the terms and conditions of employment are not the same), an SBS Entity could not avail itself of paragraph (j) of proposed Rule of Practice 194[66] and therefore would be required to file an application under proposed Rule of Practice 194 in order to permit an associated person subject to a statutory disqualification to be able to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.

• Proposed paragraph (g)(1) would require an applicant to provide any order, notice or other applicable document where an application has previously been made for the associated person pursuant to Rule of Practice 194.

• Proposed paragraph (g)(2) would require an applicant to provide any order, notice or other applicable document where an application has previously been made for the associated person pursuant to Rule of Practice 193.[67]

• Proposed paragraph (g)(3) would require an applicant to provide any order, notice or other applicable document where an application has previously been made on behalf of the associated person pursuant to Section 9(c) of the Investment Company Act of 1940 (''Investment Company Act'').[68] Similar to proposed Rule of Practice 194, under Investment Company Act Section 9(c), any person who is ineligible under Investment Company Act Section 9(a)[69] may file with the Commission an application for an exemption.[70]

• Proposed paragraph (g)(4) would require an applicant to provide any order, notice or other applicable document where an application has previously been made on behalf of the associated person pursuant to Exchange Act Section 19(d),[71] Exchange Act Rule

[65] In cases where a statutorily disqualified person was formerly associated with another SBS Entity, an applicant should use reasonable efforts to obtain relevant documentation from the other SBS Entity.

[66] *See* Section II.C.9, *infra.*

[67] 17 CFR 201.193.

[68] 15 U.S.C. 80a–9(c).

[69] Under Investment Company Act Section 9(a), it is unlawful for any persons to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company where, among other things: (1) that person (or an affiliated person) within ten years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, investment adviser, or in other specified categories; or (2) that person (or an affiliated person), by reason of any misconduct, has been permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, investment adviser, or in other specified categories. *See* 15 U.S.C. 80a–9(a).

[70] Under Investment Company Act Section 9(c), the Commission will grant such application if it is established that: (i) the prohibition is unduly or disproportionately severe; or (ii) the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application. *See* 15 U.S.C. 80a–9(c).

[71] 15 U.S.C. 78s(d).

19h–1 [72] or a proceeding by an SRO for a person to become or remain a member, or an associated person of a member, notwithstanding the existence of a statutory disqualification. For example, for broker-dealers, where FINRA has granted or denied an application for consent to be a member or an associated person of a member, or to continue to be a member or an associated person of a member, notwithstanding the statutory disqualification, the applicant would provide such information to the Commission in accordance with proposed paragraph (g)(4).

• Proposed paragraph (g)(5) would require an applicant to provide any order, notice or other applicable document reflecting the grant, denial or other disposition (including any dispositions on appeal) of any prior process concerning the associated person by the CFTC or a registered futures association for listing as a principal, or for registration, including as an associated person, notwithstanding the existence of a statutory disqualification. Specifically, paragraph (g)(5) would provide as follows:

• Proposed paragraph (g)(5)(i) addresses the exception in CFTC Regulation 23.22(b).[73] Under that provision, the CFTC allows association with a Swap Entity with respect to a person 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, notwithstanding that the person is subject to a statutory disqualification under section 8a(2) or 8a(3) [74] of the CEA.[75] Under proposed paragraph (g)(5)(i), an SBS Entity would be required to provide any order or other applicable document providing that the associated person may be listed as a principal, registered as an associated person of another CFTC registrant, or registered as a floor broker or floor trader, notwithstanding the statutory disqualification.

• Proposed paragraph (g)(5)(ii) addresses the CFTC and NFA's current process for granting relief from CEA Section 4s(b)(6),[76] the provision that is parallel to Exchange Act Section 15F(b)(6), with respect to persons that are not exempt from that provision pursuant to CFTC Regulation 23.22(b).[77] Under that process, available through no-action relief granted by CFTC staff, a Swap Entity may make an application to NFA to permit an associated person of a Swap Entity subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the Swap Entity. NFA will provide notice to a Swap Entity whether or not NFA would have granted the person registration as an associated person.[78] Proposed paragraph (g)(5)(ii) would require the SBS Entity to submit any determination by NFA (the sole registered futures association [79]) with respect to that grant of no-action relief.

6. Notification to Applicant and Written Statement

Proposed paragraph (h) governs the procedure where there is an adverse recommendation proposed by the Commission staff with respect to an application under proposed Rule of Practice 194. Consistent with Rule of Practice 193(e),[80] proposed Rule of Practice 194(h) would provide that where there is such an adverse recommendation, the applicant shall be so advised and provided with a written statement by the Commission staff of the reasons for such recommendation.

Under proposed paragraph (h), Commission staff would be required to provide a written statement for the reasons for an adverse recommendation. Consistent with Rule of Practice 193(e),[81] the applicant would then have 30 days to submit to the Commission a written statement in response. This proposed provision is designed to give an applicant an opportunity to directly address an adverse recommendation by Commission staff and to assist the Commission's evaluation of applications under proposed Rule of Practice 194.

7. Orders Under Proposed Rule of Practice 194

Where the Commission determines that it would be consistent with the public interest to permit the associated person of the SBS Entity to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, the Commission would issue an order granting relief. Where the Commission does not or cannot make the determination that it is in the public interest to permit the associated person of the SBS Entity to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, the Commission would issue an order denying the application. Orders issued in accordance with Rule of Practice 194 would be made publicly available. Applications and supporting materials would be kept confidential subject to applicable law.[82]

8. Temporary Exclusion for Other Persons

Proposed paragraph (i) would provide for temporary relief from the statutory prohibition in Exchange Act Section 15F(b)(6) with respect to associated persons that are not natural persons and that are subject to a statutory disqualification. Proposed paragraph (i) is designed to address the situation where an operating SBS Entity becomes subject to the statutory prohibition in Exchange Act Section 15F(b)(6) [83] with respect to an associated person that is not a natural person—either as a result of an associated person that effects or is involved in effecting security-based swaps on behalf of the SBS Entity becoming subject to a statutory disqualification, or as a result of a person that is subject to a statutory disqualification becoming an associated person effecting or involved in effecting security-based swaps on behalf of the SBS Entity.[84]

As noted in a separate release adopting registration rules for SBS Entities, the scope of the prohibition in Section 15F(b)(6) of the Exchange Act covers a wide range of actions, given the definitions of statutory disqualification and associated person, and the meaning of ''involved in effecting'' a security-based swap transaction, and the conduct that led to a statutory disqualification may pertain to management practices that occurred a long time ago or acts engaged in by personnel that are no longer employed by the associated person.[85] A commenter to the Registration Proposing Release stated that prohibiting statutorily disqualified

[72] 17 CFR 240.19h–1.

[73] 17 CFR 23.22(b).

[74] 7 U.S.C. 12a(2), (3).

[75] *See* Note 44, *supra.*

[76] 7 U.S.C. 6s(b)(6).

[77] 17 CFR 23.22(b).

[78] *See* CFTC Staff No-Action Letter, *supra* Note 49, at 8.

[79] *See* CFTC Registration Release, 77 FR at 2624.

[80] 17 CFR 201.193(e).

[81] *Id.*

[82] However, a notice pursuant to paragraph (i)(2) to proposed Rule of Practice 194 would be made publicly available on the Commission's Web site. *See* Section II.C.8, *infra.*

[83] 15 U.S.C. 78o–10(b)(6).

[84] As stated in Section I.B, *supra,* the Commission has separately adopted Exchange Act Rule 15Fb6–1, 17 CFR 240.15Fb6–1, which provides that unless otherwise ordered by the Commission, an SBS Entity, when it files an application for registration as 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 disqualification(s) occurred prior to the compliance date set forth in the Registration Adopting Release. SBS Entities seeking to avail themselves of this provision will have to provide a list of disqualified associated entities, which will be made public by the Commission as part of the registration application.

[85] *See* Registration Adopting Release, at Section II.B.1.i.

entities from effecting or being involved in effecting security-based swaps could result in ''considerable'' business disruptions and other ramifications.[86]

The Commission is concerned about the potential for business disruption to SBS Entities, and disruption to the security-based swap market, if SBS Entities engaged in the business must either cease operations, even temporarily, due to not being able to utilize the services of their associated entities, or move services to another entity that may not be as equipped to handle them pending a determination by the Commission on their application for relief under proposed Rule of Practice 194 or pending a determination by another regulator for similar relief.[87] Therefore, to provide for a fair and orderly process when an SBS Entity files an application with respect to associated person entities pursuant to proposed Rule of Practice 194, the Commission preliminarily believes that it is appropriate to provide a temporary exclusion, subject to certain limitations and conditions, to allow an SBS Entity to permit an associated person entity that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf pending a determination by the Commission or other regulatory body. In such cases, SBS Entities may consider implementing safeguards pending a determination by the Commission or other regulatory body to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity in compliance with the applicable statutory and regulatory framework.

The Commission preliminarily believes that the approach in proposed Rule of Practice 194(i) would appropriately consider the potentially competing objectives of minimizing the likelihood for business or market disruption while maintaining strong investor protections. In particular, while the rule would provide targeted relief with respect to associated person entities, it would not provide relief with respect to associated persons who are natural persons. The Commission believes 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 an associated person entity to another entity.[88] Further, associated persons that are natural persons are the persons responsible for actually performing or overseeing the functions necessary to effect security-based swap activities. As such, the Commission preliminarily does not believe the scope of proposed Rule of Practice 194(i) should be extended to cover associated persons that are natural persons.

Under proposed paragraph (i)(1)(i), an SBS Entity would be temporarily excluded from the prohibition in Exchange Act Section 15F(b)(6) with respect to an associated person that is not a natural person (1) for 30 days following the associated person becoming subject to a statutory disqualification, or (2) 30 days following the person that is subject to a statutory disqualification becoming an associated person of an SBS Entity.[89] This provision is designed to provide an applicant with an initial time period to determine whether the applicant should file an application (or a notice in lieu of an application pursuant proposed paragraph (j)) with the Commission under proposed Rule of Practice 194, and to afford the applicant sufficient time to gather the materials for, draft, and file an application with respect to that associated person. The Commission preliminarily believes that allowing longer than 30 days would permit the associated person that is subject to a statutory disqualification to continue to effect or be involved in effecting security-based swaps on behalf of the SBS Entity for too long a period of time without filing an application or notice under proposed Rule of Practice 194. Moreover, the Commission believes that an SBS Entity should be able to submit an application or notice within 30 days, as the information requested should already be readily available or accessible to the SBS Entity.

Under proposed paragraph (i)(1)(ii), the SBS Entity would be excluded from the prohibition in Exchange Act Section 15F(b)(6) with respect to the associated person for 180 days following the filing of a complete application and notice pursuant to proposed Rule of Practice 194 by the SBS Entity if the application and notice is filed within the time period specified in proposed paragraph (i)(1)(i) (*i.e.,* 30 days), or until such time the Commission makes a determination on such application within the 180-day time period. The Commission preliminarily believes that 180 days should provide a sufficient maximum amount of time for the Commission to review the application, including obtaining any supplementary information from the applicant, and any recommendation by Commission staff and any response thereto by the applicant, and to make a determination on the application. The Commission anticipates that many applications under proposed Rule of Practice 194 will be instances where the Commission has not previously reviewed or acted on the underlying conduct by the associated person entity that resulted in the statutory disqualification. As such, the 180-day time period would afford the Commission a sufficient maximum amount of time to appropriately evaluate an application under proposed Rule of Practice 194.

Proposed paragraph (i)(1)(ii) does not limit the Commission from making a determination on the application prior to the expiration of the 180-day time period, and the Commission anticipates

[86] *See* 12/16/11 SIFMA Letter, at 8, Note 8, *supra.*

[87] Proposed Rule of Practice 194(j) provides that, subject to certain conditions, an SBS Entity may permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without making an application pursuant to the proposed rule, where the Commission, CFTC, an SRO or a registered futures association has granted a prior application or otherwise granted relief from a statutory disqualification with respect to that associated person. *See* proposed Rule of Practice 194(j) and Section II.C.9, *infra.*

[88] 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. *See* Registration Adopting Release, at Section II.B.1.i.

[89] Because a person would not become an associated person of an SBS Entity until the entity itself becomes a security-based swap dealer or a major security-based swap participant pursuant to the Commission's rules (*see* 17 CFR 240.3a67–8, 240.3a67–9, 240.3a71–2), proposed paragraph (i) to Rule of Practice 194 would not apply until such time as the relevant entity is first deemed to be either a security-based swap dealer or a major security-based swap participant. For example, a person whose security-based swap dealing activity crosses a *de minimis* threshold contained in Exchange Act Rule 3a71–2 (17 CFR 240.3a71–a) would not be deemed to be a security-based swap dealer until the earlier of the date on which it submits a complete application for registration pursuant to Exchange Act Section 15F(b), 15 U.S.C. 78o–10(b), 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. Therefore, the SBS Entity would be able to rely on the temporary exclusion contained in proposed paragraph (i) to Rule of Practice 194 if the SBS Entity is associated with any entity that is subject to a statutory disqualification that effects or is involved in effecting security-based swaps on its behalf if: (1) The entity has filed a complete application with the Commission to become registered with the Commission as an SBS Entity within the time periods specified in the applicable Commission rules; and (2) the entity has filed a complete application under proposed Rule of Practice 194 within 30 days from the date on which it filed its application with the Commission to become registered as an SBS Entity.

that it would do so as appropriate.[90] The Commission may act sooner in cases, for example, where the misconduct of an associated person is already familiar to the Commission or otherwise conducive to immediate consideration. The Commission may also need to act quickly if there are imminent concerns regarding potential investor or counterparty harm.

While we expect that most applications could be acted upon within the proposed 180-day time period, a decision could be delayed for a number of reasons, such as when an application raises complex issues associated with the Commission's determination whether to grant permanent relief from the statutory prohibition in Exchange Act Section 15F(b)(6). Proposed paragraph (i)(1)(ii) thus would address the situation where the Commission does not render a decision on the Rule of Practice 194 application within the 180-day time period. Specifically, proposed paragraph (i)(1)(ii) provides that where the Commission does not render a decision within 180 days following the filing of an application under proposed Rule of Practice 194, the SBS Entity would have 60 additional days to conform its activities to comply with the prohibition set forth in Exchange Act Section 15F(b)(6). As a result, the proposed rule would provide that if the Commission does not act on the application within 180 days, the statutory prohibition would apply.

As noted, Exchange Act Section 15F(b)(6) prohibits SBS Entities from permitting associated persons that are subject to a statutory disqualification from effecting or being involved in effecting security-based swap transactions on behalf of the SBS Entity, except to the extent otherwise provide by rule, regulation or order of the Commission. The Commission is proposing to provide in paragraph (i)(1)(ii) that, if the Commission does not act on the application within the specified time period, the statutory prohibition would apply (subject to a 60-day period to provide an SBS Entity time to conform its activities to the statutory prohibition, as discussed below). The Commission preliminarily believes that in the context of this statutory framework, the proposed time period provided for in paragraph (i)(1)(ii) is appropriately tailored. In proposing to proceed in this manner and provide a period of time for the exception from the prohibition to continue, the Commission has taken into consideration the potential for the risk of market and business disruptions and the objective of maintaining strong investor and market protections, as discussed above. We preliminarily believe that the approach has taken into consideration these factors.[91] We note that it would also provide an SBS Entity certainty about the applicable process and time frames, including the 60 additional days to comply, as discussed below.

Proposed paragraph (i)(1)(ii) also would provide that where the Commission does not render a decision within 180 days, the SBS Entity would have 60 additional days to comply with the prohibition set forth in Exchange Act Section 15F(b)(6). This provision is designed to provide the applicant, where the Commission does not act on an application under proposed Rule of Practice 194 within 180 days and the SBS Entity becomes immediately subject to the statutory prohibition set forth in Exchange Act Section 15F(b)(6), sufficient time to implement any structural or other changes necessary to ensure that the SBS Entity would not have the associated person that is subject to a statutory disqualification effect or be involved in effecting security-based swaps on behalf of the SBS Entity. The 60-day time period is designed to provide the SBS Entity a sufficient amount of time to make any structural or other changes necessary to ensure compliance with the prohibition set forth in Exchange Act Section 15F(b)(6) to avoid disruption, but not so long as to continue to allow an SBS Entity to permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity for longer than necessary to avoid potential market or business disruptions.

Under proposed paragraph (i)(1)(iii), the SBS Entity would be excluded from the prohibition in Exchange Act Section 15F(b)(6) for a period of 180 days following the filing of a complete application with, or initiation of a process by,[92] the CFTC, an SRO or a registered futures association with respect to the associated person for the membership, association, registration or listing as a principal, where such application has been filed or process started prior to or within the time period specified in paragraph (i)(1)(i) and a notice has been filed with the Commission within the time period specified in proposed paragraph (i)(1)(i). This provision is designed to provide a temporary exclusion to an SBS Entity such that an SBS Entity could avail itself of filing a notice in lieu of an application, as set forth in proposed paragraph (j), and thus would provide temporary relief to the SBS Entity from the prohibition set forth in Exchange Act Section 15F(b)(6) during the pendency of an application or process by the CFTC, an SRO or a registered futures association. As with the provisions of proposed paragraph (i)(1)(ii) with regard to the Commission's consideration of an application under proposed Rule of Practice 194, this provision is designed to address the Commission's concerns about potential market or business disruptions while the SBS Entity has an application or process pending before the CFTC, an SRO or a registered futures association with regard to the associated person subject to a statutory disqualification. The Commission preliminarily believes that 180 days should generally provide a sufficient amount of time for the CFTC, an SRO or a registered futures association to make a determination on the application, and would also be consistent with the time period proposed in paragraph (i)(1)(ii).

In addition, under proposed paragraph (i)(1)(iii), where the CFTC, an SRO or a registered futures association does not render a decision or renders an adverse decision with respect to the associated person within the 180-day time period, the SBS Entity would have 60 additional days to conform its activities to comply with the prohibition set forth in Exchange Act Section 15F(b)(6). Similar to proposed paragraph (i)(1)(ii), this provision is aimed at preventing market or business disruptions that may result from the scenario where the CFTC, an SRO or a registered futures association does not render a decision or renders an adverse decision with respect to the associated person within the 180-day time period, and the SBS Entity therefore becomes immediately subject to the statutory prohibition set forth in Exchange Act Section 15F(b)(6). The 60-day time period is designed to provide the SBS Entity a sufficient amount of time to make any structural or other necessary changes to ensure compliance with the prohibition set forth in Exchange Act Section 15F(b)(6), but not so long as to continue to allow an SBS Entity to permit an associated person that is subject to a statutory disqualification to

[90] The Commission expects that it will expeditiously process applications and take necessary steps to facilitate timely action.

[91] *See* Sections V.D and E, *infra.*

[92] The commencement of the 180-day time period would begin at the time of filing of an application with an SRO (*e.g.,* Form MC–400A) or the initiation of a proceeding under NFA Registration Rule 504 (*e.g.,* a Notice of Intent to Revoke Registration) or CFTC Regulation 3.60, 17 CFR 3.60.

effect or be involved in effecting security-based swaps on behalf of the SBS Entity for longer than necessary to avoid potential market or business disruptions where the CFTC, an SRO or registered futures association has not made a decision or has rendered an adverse decision within the 180-day time period.

The SBS Entity would not be able to avail itself of the temporary exclusion set forth in proposed paragraph (i)(1) in two circumstances. First, the temporary exclusion from the prohibition in Exchange Act Section 15F(b)(6) would not be available where the Commission has otherwise ordered—for example, where the Commission, by order, has censured, placed limitations on the activities or functions of the associated person, or suspended or barred such person from being associated with an SBS Entity. Second, the temporary exclusion from the prohibition in Exchange Act Section 15F(b)(6) would not be available in cases where the Commission, CFTC, an SRO or a registered futures association has previously denied membership, association, registration or listing as a principal with respect to the associated person that is the subject of the pending application. In both circumstances, the Commission, CFTC, an SRO or registered futures association will have affirmatively made a determination to not allow an associated person to participate in the financial industry. The Commission preliminarily believes that, in such cases, the SBS Entity should not be able to avail itself of the temporary exclusion with respect to the associated person because doing so would enable an associated person to participate in the security-based swap market notwithstanding that the Commission or another regulator has otherwise prohibited the associated person from participating in another sector of the financial industry.

Proposed paragraph (i)(2) would provide that an SBS Entity would be excluded from the statutory prohibition in Exchange Act Section 15F(b)(6)[93] as provided in proposed paragraph (i)(1)(ii) and (i)(1)(iii) only where the SBS Entity has filed (within the 30-day timeframe) a notice with the Commission setting forth the name of the SBS Entity and the name of the associated person that is subject to a statutory disqualification, and attaching as an exhibit to the notice a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification.[94] The Commission proposes to make publicly available on its Web site the notice provided under proposed paragraph (i)(2). The Commission is proposing to require such notice to help inform market participants of the fact that an SBS Entity is availing itself of the temporary exclusion set forth in proposed paragraph (i) with respect to an associated person entity subject to a statutory disqualification that is effecting or involved in effecting security-based swaps on behalf of an SBS Entity.

The Commission is not proposing to require such notice with respect to associated persons that are natural persons, because natural persons would not be able to avail themselves of the temporary exclusion proposed in paragraph (i). As a result, a natural person that is subject to a statutory disqualification would not be permitted to effect or be involved in effecting security-based swaps on behalf of an SBS Entity while an application is pending. Additionally, where the association, registration or listing as a principal has been granted or otherwise approved with respect to an associated person that is a natural person by the Commission, CFTC, an SRO or registered futures association, notwithstanding that the associated person is subject to a statutory disqualification, such an order or other relevant document would be made publicly available,[95] and thus would provide information to market participants with respect to the associated person and the statutory disqualification.

Proposed paragraph (i)(3) would provide that where the Commission denies an application pursuant to proposed Rule of Practice 194 with respect to an associated person that is not a natural person, the Commission may provide by order an extension of the exclusion provided for in proposed paragraph (i)(1)(ii) as is necessary or appropriate to allow the applicant to comply with the prohibition in Exchange Act Section 15F(b)(6). Under this proposed provision, the Commission would extend the temporary exclusion provided for in proposed paragraph (i)(1)(ii) where the Commission determines that doing so is necessary or appropriate. The Commission believes that proposed paragraph (i)(3) provides the Commission with sufficient flexibility so that the Commission may determine, based on its discretionary review of the particular facts and circumstances with respect to an application, whether or not it is necessary or appropriate to extend the temporary exclusion provided for in proposed paragraph (i)(1)(ii). For example, under certain circumstances, the Commission may determine that is necessary or appropriate to provide a certain amount of time for an SBS Entity to wind down operations with an associated person entity that is subject to a statutory disqualification in order to avoid disruptions to the security-based swaps business of the SBS Entity or to the security-based swap market. In other instances, there may not be a risk of market or business disruptions in the event that an SBS Entity is prohibited from permitting an associated person entity to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. In such instances, the Commission may specify in an order denying an application under proposed Rule of Practice 194 that no extension of the exclusion provided for in proposed paragraph (i)(1)(ii) would be necessary or appropriate.

Although the Commission is proposing paragraph (i)(1) at this time, the Commission is also soliciting comment on two alternative approaches with respect to this provision. First, the Commission solicits comment on whether proposed paragraph (i)(1)(ii) should alternatively provide that, if the Commission does not render a decision within the appropriate time frame, the application shall be deemed granted. Under this alternative, the Commission would consider the extent to which providing that the application would be deemed granted if the Commission does not act in the 180-day time period would help to avoid potential market and business disruptions that may result when the temporary exclusion expires after day 180 (as opposed to providing a 60-day conformity period). The Commission would also consider how such an approach would impact counterparty and investor protection in cases where the Commission has not made a specific finding that it is consistent with the public interest to permit a statutorily disqualified associated person entity to effect or be involved in effecting security-based swaps on behalf of an SBS Entity.

Second, the Commission solicits comment on whether, alternatively, the Commission should provide an exclusion to permit an SBS Entity to allow associated person entities subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of SBS Entities. As noted in Section II.B.3, the CFTC has

[93] 15 U.S.C. 78o–10(b)(6).

[94] *See* proposed Rule of Practice 194(c)(1), (e)(1); Section II.C.3, *supra.*

[95] *See* Section II.C.7, *supra.*

defined associated persons of Swap Entities to be limited to natural persons,[96] which results in the application of Section 4s(b)(6) of the CEA [97] to natural persons associated with a Swap Entity (not entities). As a result, this alternative would result in consistency with the CFTC. As with the first alternative, under this alternative, the Commission would take into consideration the extent to which the approach, by providing an exclusion from the statutory prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities, would minimize potential disruptions to the business of SBS Entities that could lead to possible market disruption. The Commission would also consider how this approach, which would apply the statutory prohibition in Exchange Act Section 15F(b)(6) to associated persons that are natural persons, but not to associated person entities, would impact counterparty and investor protection.[98]

9. Notice in Lieu of an Application

Paragraph (j) of proposed Rule of Practice 194 would limit the applicability of the prohibition in Exchange Act Section 15F(b)(6) by prescribing the conditions under which an SBS Entity may permit a person associated with it that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf without being required to file an application under Rule of Practice 194.[99] Generally, proposed paragraph (j) would permit associated persons that are subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of SBS Entities where the Commission or other regulatory authority previously reviewed the matter and permitted the person subject to a statutory disqualification to be a member, associated with a member, registered or listed as a principal of a regulated entity notwithstanding statutory disqualification.

Under the proposed rules, the Commission, the CFTC, an SRO or a registered futures association will have specifically reviewed the underlying basis for the statutory disqualification and made an affirmative finding to grant or otherwise approve membership, association, registration or listing as a principal, notwithstanding the statutory disqualification. So long as the terms and conditions are adhered to in the context of the association with the SBS Entity, the Commission believes it would not be necessary for the Commission (other than in cases where the person is subject to a Commission bar) to re-examine an event for which relief has already been granted. The Commission further notes, consistent with the CFTC in adopting an analogous provision in Regulation 23.22(b),[100] that it would generally be anomalous for a person to be able to engage in securities transactions with members of the retail public—for example, as an associated person of a broker-dealer—but be prohibited from effecting or being involved in effecting security-based swap transactions with significantly more sophisticated clients as an associated person of a SBS Entity.

Specifically, subject to the conditions specified in proposed paragraph (j)(2), proposed Rule of Practice of Practice 194(j)(1) would provide as follows:

Proposed Rule of Practice 194(j)(1)(i) would permit a person associated with an SBS Entity that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where the person has admitted to or continued in membership, or participation or association with a member, of an SRO, such as FINRA, notwithstanding that such person is subject to a statutory disqualification under Exchange Act Section 3(a)(39).[101]

Proposed Rule of Practice 194(j)(1)(ii) would permit a person associated with an SBS Entity that is a natural person and that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where the person has been granted consent to associate pursuant to Rule of Practice 193.[102] As stated in Section II.B.1, *supra,* Rule of Practice 193 provides a process by which persons that are not regulated by an SRO (*e.g.,* employees of an investment adviser, an investment company, or a transfer agent) can seek to reenter the securities industry despite previously being barred by the Commission.

Proposed Rule of Practice 194(j)(1)(iii) would permit a person associated with an SBS Entity that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where an application has previously been granted under proposed Rule of Practice 194 with respect to the associated person. For example, proposed paragraph (j)(1)(iii) would include instances where an SBS Entity had previously received approval of an application under proposed Rule of Practice 194 with respect an associated person, and the same person becomes an associated person of a different SBS Entity.

Proposed Rule of Practice 194(j)(1)(iv) would permit a person associated with an SBS Entity to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where, notwithstanding the a statutory disqualification under CEA Sections 8a(2) or 8a(3),[103] the person (1) has been registered as or listed as a principal of a futures commission merchant, retail foreign exchange dealer, introducing broker, commodity pool operator, commodity trading advisor, or leverage transaction merchant, registered as an associated person of any of the foregoing, registered as or listed as a principal of a swap dealer or major swap participant, or registered as a floor broker or floor trader, and (2) is not subject to a Commission bar pursuant to Sections 15(b), 15B, 15E, 15F or 17A of the Exchange Act (15 U.S.C. 78o(b), 78o–4, 78o–7, 78o–10, 78q–1), Section 9(b) of the Investment Company Act (15 U.S.C. 80a–9(b)) or Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)). This provision is designed to exclude from scope of the statutory prohibition in Exchange Act Section 15F(b)(6) persons that have previously been permitted to be registered or listed as a principal by the CFTC or the NFA, notwithstanding that such persons are subject to a statutory disqualification, including those persons that fall within the scope of the exclusion in CFTC Regulation 23.22(b) (thereby harmonizing the approach of

[96] *See* Note 42, *supra.*

[97] *See* 7 U.S.C. 6s(b)(6).

[98] Moreover, although SBS Entities would be excluded from the statutory prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities under this alternative, the Commission nonetheless could, by order, censure, place limitations on the activities or functions of the associated person, or suspend or bar such person from being associated with an SBS Entity. *See* 15 U.S.C. 78o–10(l)(3).

[99] *See* proposed Rule of Practice 194(j).

[100] In adopting Regulation 23.22(b), the CFTC stated that, if it did not provide an exception as suggested, a person could be permitted to direct futures-related activities or solicit futures-related business with members of the retail public—*e.g.,* as, respectively, a principal or associated person of futures commission merchant or commodity pool operator—but that same person would be barred from soliciting, accepting, or otherwise effecting or being involved in effecting swaps transactions with significantly more sophisticated clients as an associated person of a Swap Entity. *See* CFTC Registration Release, 77 FR at 2615.

[101] *See* 17 CFR 240.19h–1. As discussed in Section II.B.2, *supra,* Exchange Act Rule 19h–1 prescribes the form and content, and provides for Commission review of proposals submitted by SROs to allow a member or associated person subject to a statutory disqualification to become or remain a member or associated person of a member.

[102] 17 CFR 201.193.

[103] 7 U.S.C. 12a(2), (3).

the Commission with the CFTC in that respect).[104] However, the provision would exclude instances where the Commission itself has made an affirmative determination to bar or suspend the associated person. In such cases, the Commission believes that it should be afforded an opportunity to review an application with regard to such barred person or during the pendency of the suspension in cases where an SBS Entity requests relief from the statutory prohibition in Exchange Act Section 15F(b)(6).[105]

Paragraph (j)(2) of proposed Rule of Practice 194 would set forth the conditions necessary for an SBS Entity to meet in order to permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. An SBS Entity seeking to rely on proposed Rule of Practice 194(j)(1) would have to meet all of the conditions specified in proposed paragraph (j)(2).

Under proposed paragraph (j)(2)(i), all matters giving rise to a statutory disqualification under Exchange Act Section 3(a)(39)(A) through (F) must have been subject to an application or process where the membership, association, registration or listing as a principal has been granted or otherwise approved by the Commission, CFTC, an SRO or registered futures association. This provision is designed to ensure that either the Commission, CFTC, an SRO (*e.g.,* FINRA) or a registered futures association (*i.e.,* NFA) has specifically reviewed the underlying basis for each and every statutory disqualification under Exchange Act Section 3(a)(39)(A) through (F),[106] and made an affirmative finding to permit or continue the membership, association, registration or listing as a principal, notwithstanding the statutory disqualification. For example, the mere fact that an associated person is permitted to effect or be involved in effecting swaps on behalf of a Swap Entity because of the applicability of the exclusion in CFTC Regulation 23.22(b) would not, by itself, allow the associated person of the SBS Entity to effect or be involved in effecting security-based swaps on its behalf. Rather, the CFTC or NFA must have reviewed all matters giving rise to a statutory disqualification for purposes of Exchange Act Section 3(a)(39)(A) through (F).[107] The Commission believes that it is consistent with investor protection to provide an exclusion for an SBS Entity from the statutory prohibition in Exchange Act Section 15F(b)(6) where an appropriate regulatory authority has previously affirmatively considered and granted relief with respect to the conduct underlying each statutory disqualification of an associated person of the SBS Entity.

Proposed Rule of Practice 194(j)(2)(ii) would provide that an SBS Entity may permit a person associated with it that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without filing an application under proposed Rule of Practice 194, only where the terms and conditions of the association with the SBS Entity are the same in all material respects as those approved in connection with the prior order, notice or other applicable document granting the membership, association, registration or listing as a principal provided for in paragraph (j)(1). In short, to obtain relief from the statutory prohibition in Exchange Act Section 15F(b)(6), the associated person of the SBS Entity must be subject to the same terms and conditions—including, for example, supervisory requirements—as those previously imposed by the agency, an SRO or a registered future association (*i.e.,* the Commission, CFTC, NFA or SRO).[108]

The Commission is proposing this provision so that an associated person subject to a statutory disqualification remains subject to the same terms and conditions with respect to the SBS Entity. For example, where relief previously granted by FINRA includes specific supervisory requirements following an eligibility proceeding, but a person is not subject to the same requirements by the SBS Entity, the Commission believes that it should review whether the terms and conditions of the association with the SBS Entity are appropriate under an application under proposed Rule of Practice 194.

Proposed Rule of Practice 194(j)(2)(iii) would provide that, where an SBS Entity seeks for an associated person that is a natural person to be permitted to effect or be involved in effecting security-based swaps on behalf of the SBS Entity without filing an application pursuant to proposed Rule of Practice 194(j), the SBS Entity would be required to file a notice with the Commission. Specifically, proposed Rule of Practice 194(j)(2)(iii) would require the following information in the notice:

- The name of the SBS Entity;[109]
- The name of the associated person subject to a statutory disqualification;[110]
- The name of the associated person's prospective supervisor(s) at the SBS Entity;[111]
- The place of employment for the associated person subject to a statutory disqualification;[112] and
- The identity of any agency, SRO or registered futures association that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal.[113]

The Commission believes that the information requested by the notice under proposed paragraphs (j)(2)(iii) would aid the Commission and its staff in assessing risk at SBS Entities, including for examination purposes. By knowing the name of the SBS Entity, name and location of the associated person subject to a statutory disqualification, and the name of the supervisor of the associated person, the Commission will obtain information that may be useful for examination purposes, such as determining whether to examine a particular SBS Entity and whom to speak to at the SBS Entity. The identity of an agency, SRO or registered futures association that has indicated its agreement with the terms and conditions of the proposed association could be useful to the Commission because the Commission staff could use the information to confer with or seek information from that agency, SRO or registered futures association, if necessary.

Proposed Rule of Practice 194(j)(2)(iv) would provide that, where an SBS Entity seeks for an associated person that is not a natural person to be permitted to effect or be involved in effecting security-based swaps on behalf of the SBS Entity without filing an application pursuant to proposed Rule

[104] *See* Sections II.B.3 and II.C.5, *supra,* concerning CFTC Regulation 23.22(b), 17 CFR 23.22(b). Under the proposed rule, such relief would not be available in cases where a registered futures association has made a determination that, had the associated person applied for registration as an associated person of an SBS Entity, notwithstanding a statutory disqualification, the application would have been granted. *See* CFTC Staff No-Action Letter, *supra* Note 49, at 5–8.

[105] A suspension remains in effect for a period not exceeding twelve months. Once the suspension is lifted, the person is not deemed to be subject to a statutory disqualification, and thus would not need to apply to the Commission to reassociate.

[106] 15 U.S.C. 78c(a)(39)(A)–(F).

[107] For example, an associated person of an SBS Entity could potentially be subject to a statutory disqualification for purposes of Exchange Act Section 3(a)(39)(A) through (F), but not for purposes of CEA Section 8a(2) or (3). *Compare* 15 U.S.C. 78c(a)(39)(A)–(F), 7 U.S.C. 12a(2), (3).

[108] *See also, e.g.,* Exchange Act Rule 19h–1(a)(3)(i), 17 CFR 240.19h–1(a)(3)(i).

[109] *See* proposed Rule of Practice 194(j)(2)(iii)(A).

[110] *See* proposed Rule of Practice 194(j)(2)(iii)(B).

[111] *See* proposed Rule of Practice 194(j)(2)(iii)(C).

[112] *See* proposed Rule of Practice 194(j)(2)(iii)(D).

[113] *See* proposed Rule of Practice 194(j)(2)(iii)(E).

of Practice 194(j), the SBS Entity would be required to file a notice with the Commission. Specifically, proposed Rule of Practice 194(j)(2)(iv), would require the following information in the notice:

- The name of the SBS Entity; [114]
- The name of the associated person that is subject to a statutory disqualification;[115] and
- The identification of any agency, SRO or a registered futures association that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal.[116]

The Commission believes that knowing the name of the statutorily disqualified associated person would aid the Commission and its staff in assessing risk at SBS Entities, including for examination purposes. Additionally, the identity of an agency, SRO or registered futures association that has indicated its agreement with the terms and conditions of the proposed association could be useful to the Commission because the Commission staff could use the information to confer with or seek information from that agency, SRO or registered futures association, if necessary.

10. Note to Proposed Rule of Practice 194

The proposed Note, which is similar to the Preliminary Note to Rule of Practice 193, is designed to advise applicants of the importance of having adequate supervision in place at the SBS Entity so as to minimize the risk of subsequent occurrences of misconduct.

In particular, the Note to proposed Rule of Practice 194 would provide that:

- An application made pursuant to the rule must show that it would be consistent with the public interest to permit the associated person of the SBS Entity to effect or be involved in effecting security-based swaps on behalf of the SBS Entity.[117]
- The nature of the supervision that an associated person will receive or exercise as an associated person with a registered entity is an important matter bearing upon the public interest. The Commission believes that this statement would inform applicants that associated persons that are subject to a statutory disqualification should have adequate supervision so as to prevent potential future harm to counterparties, SBS Entities themselves, or other persons. The Commission would generally be less likely to issue an order granting relief under Rule of Practice 194 where the associated person subject to a statutory disqualification is not subject to adequate supervision.[118] Second, there may be an increased risk of harm to counterparties, the SBS Entity and other market participants where the associated person subject to a statutory disqualification supervises other persons—in particular, where the supervision is over other persons that are also subject to a statutory disqualification.
- In meeting the burden of showing that permitting the associated person to effect or be involved in effecting security based swaps on behalf of the SBS Entity is consistent with the public interest, the application and supporting documentation must demonstrate that the terms or conditions of association, procedures, or proposed supervision (if the associated person is a natural person), are reasonably designed to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity in compliance with the applicable statutory and regulatory framework. The Commission is proposing to include this statement to advise applicants of the importance of these items to the Commission's consideration of whether to grant relief.
- Normally, the applicant's burden of demonstrating that permitting the associated person to effect or be involved in effecting security based swaps on behalf of the SBS Entity is consistent with the public interest will be difficult to meet where the associated person is to be supervised by, or is to supervise, another statutorily disqualified individual. The Commission is proposing to include this statement because the Commission believes that there may be a greater risk of harm where a person that is subject to a statutory disqualification is supervising another person that is subject to a statutory disqualification.
- Where the associated person wishes to become the sole proprietor of a registered entity and thus is seeking that the Commission issue an order permitting the associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of an SBS Entity notwithstanding an absence of supervision, the applicant's burden will be difficult to meet. The Commission is proposing to include this statement because, as stated, the Commission believes that there is a greater risk of harm where the associated person subject to a statutory disqualification is not subject to adequate supervision.
- The associated person may be limited to association in a specified capacity with a particular registered entity and may also be subject to specific terms and conditions. The Commission is proposing to include this statement to advise applicants that the Commission may consider whether to impose limitations on permitting an associated person subject to a statutory disqualification to effect or be involved in effecting security-based swap transactions on behalf of an SBS Entity. Those terms and conditions may concern, for example, heightened supervisory conditions or other procedures with respect to the associated person subject to a statutory disqualification.

Finally, the proposed Note discusses various procedural aspects of proposed Rule of Practice 194, including the following:

- In addition to the information specifically required by the rule, applications with respect to natural persons should be supplemented, where appropriate, by written statements of individuals who are competent to attest to the associated person's character, employment performance, and other relevant information. This statement is designed to encourage applicants to provide written statements from individuals other than the applicant and the associated person, to help the Commission better assess whether issuing an order granting relief under proposed Rule of Practice 194 is consistent with the public interest.
- In addition to the information required by the rule, the Commission staff may request additional information to assist in the Commission's review. This statement is designed to inform applicants that the Commission staff may request additional information beyond that provided by the SBS Entity in its application. For example, where

[114] *See* proposed Rule of Practice 194(j)(2)(iv)(A).

[115] *See* proposed Rule of Practice 194(j)(2)(iv)(B).

[116] *See* proposed Rule of Practice 194(j)(2)(iv)(C).

[117] *See* Section II.C.2, *supra.*

[118] *See In the Matter of Shupack,* Investment Advisers Act Release No. 1061 (Mar. 23, 1987), 48 SE.C. 697, 700–01 (1987) (''In light of Shupack's record, including the misrepresentation contained in his original Rule 29 [the predecessor to Rule of Practice 193] application, we conclude that he should not be allowed to re-enter the advisory field when no effective supervision would be exercised over his activities.''); *In the Matter of Sample,* Investment Advisers Act Release No. 4021, 2015 SEC LEXIS 466, at *8 (Feb. 4, 2015) (Division of Enforcement, pursuant to delegated authority, rejecting application under Rule of Practice 193 where ''[t]he supervision proposed in the application appears to be no different from that exercised over [the barred person] during his prior association with [the registered investment adviser]'').

the information contained in an application raises additional questions regarding the nature of the conduct resulting in the statutory disqualification, the capacity or position of the associated person, or the terms and conditions of the association with the SBS Entity, the Commission staff may request additional information to assist in the review of the pending application.

• Intentional misstatements or omissions of fact may constitute criminal violations of 18 U.S.C. 1001, *et seq.* and other provisions of law. This proposed statement is designed to help ensure that the Commission receives accurate information in connection with an application under Proposed Rule of Practice 194. In addition, providing a misstatement in an application would weigh against a finding that providing relief by the Commission under Rule of Practice 194 would be consistent with the public interest.

• The Commission will not consider any application that attempts to reargue or collaterally attack the findings that resulted in the statutory disqualification. This statement is designed to advise applicants that Rule of Practice 194 may not be used as an appeals process for the underlying findings. The Commission notes there are other appropriate avenues for challenging decisions.

III. Request for Comment

The Commission is requesting comment regarding all aspects of proposed Rule of Practice 194, including any investor protection or other concerns. The Commission particularly requests comment from entities that intend to register as SBS Entities and that anticipate making an application under proposed Rule of Practice 194, were it to be adopted, as well as counterparties to such SBS Entities. This information will help inform the Commission's consideration of the appropriate process through which SBS Entities could seek relief from the prohibition in Exchange Act Section 15F(b)(6).[119]

The Commission also seeks comment on the particular questions below. The Commission will carefully consider all comments and information received, and will benefit especially from detailed responses.

Q–1. Is it necessary for the Commission to have a rule that specifies the process, such as that proposed in Rule of Practice 194, for SBS Entities to seek relief for their associated persons who are subject to a statutory disqualification to effect or be involved in effecting security-based swaps? Why or why not?

Q–2. How many SBS Entities are likely to submit applications pursuant to the proposed rule? Please specify the number of applications that would likely relate to an associated person that is a natural person versus an entity.

Q–3. Should the Commission make its determination based on whether it would be consistent with the public interest to permit the 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? Should the Commission adopt a different standard of review? If so, what should it be, and why?

Q–4. Should the Commission look to Rule of Practice 193 and FINRA Forms MC–400 and MC–400A in establishing the form of application in proposed Rule of Practice 194? Please explain why or why not. In addition, if the Commission should not model the proposed rule on Rule of Practice 193 or FINRA Forms MC–400 and MC–400A, what alternatives (if any) should the Commission consider and why?

Q–5. Is the information requested in proposed Rule of Practice 194(c) for natural persons appropriate? Should the Commission request any additional information? If so, what items? Please explain the reasons for excluding any information or including any additional information, as well as the costs and benefits of doing so.

Q–6. With respect to the requirement in proposed Rule of Practice 194(c)(1) and (e)(1) to provide a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification, is there information other than that which would be contained in such order or other applicable document that the Commission should require the applicant to provide (*e.g.,* the record from an underlying proceeding resulting in a statutory disqualification)? If so, please specify what additional information and the reasons for including such information.

Q–7. Proposed Rule of Practice 194(c)(4) and (e)(5) require a copy of a decision, order or other document issued other than with respect to a proceeding resulting in the imposition of disciplinary sanctions or pending proceeding against the associated person issued by a court, state agency, agency, SRO or foreign financial regulator. Is there additional information other than that which would be contained in such documents that the Commission should require the applicant to provide? If so, in what instances? Should the Commission not require documents issued in connection with pending proceedings (*e.g.,* orders instituting proceedings, indictments, informations and other similar documents)?

Q–8. With respect to the requirement in proposed Rule of Practice 194(c)(4) and (e)(5), is five years an appropriate time period with respect to requiring a copy of any decision, order, or document issued by a court, state agency, agency, SRO or foreign financial regulator? Should the Commission require a different time period? If so, please explain why.

Q–9. Are the items required to be addressed by proposed Rule of Practice 194(d) for natural persons appropriate? Should the Commission require that additional items be addressed? If so, what additional items? Please explain the reasons for excluding any item or including any additional item, as well as the costs and benefits of doing so.

Q–10. With respect to the requirement in proposed Rule of Practice 194(d)(6) and (f)(6), should the Commission require the compliance and disciplinary history during the five years preceding the filing of the application of the SBS Entity? Should the Commission limit the requirement, for example, by requiring only the compliance and disciplinary history of an office or location of an SBS Entity?

Q–11. With respect to the requirement in proposed Rule of Practice 194(d)(6) and (f)(6), is five years an appropriate time period with respect to the compliance and disciplinary history of the SBS Entity? Should the Commission require a different time period? If so, please explain why.

Q–12. With respect to the requirement in proposed Rule of Practice 194(d)(10) and (f)(7), is five years an appropriate time period with respect to litigation or unsatisfied judgments concerning investment or investment-related activities? Should the Commission require a different time period? If so, please explain why. Should the request for information with respect to litigation or unsatisfied judgments be limited to those concerning investment or investment-related activities? Should the request for information with respect to litigation or unsatisfied judgments be expanded to those concerning swaps or other financial instruments? If so, please explain why.

Q–13. Are the items requested in proposed Rule of Practice 194(e) for entities appropriate? For example, should the Commission request organizational charts of an associated person entity under proposed paragraph

[119] 15 U.S.C. 78o–10(b)(6).

(e)(3)? Should the Commission request any additional information? If so, what items? Please explain the reasons for excluding any item or including any additional information, as well as the costs and benefits of doing so.

Q–14. Are the items to be addressed in proposed Rule of Practice 194(f) for entities appropriate? Should the Commission request that any additional items be addressed? If so, what additional items? Please explain the reasons for excluding any item or including any additional item, as well as the costs and benefits of doing so.

Q–15. Should the Commission request information regarding prior applications or processes concerning the associated person, as proposed in Rule of Practice 194(g)? If not, why not? Are there any other prior applications or processes concerning associated persons that are relevant that the Commission should request? Proposed paragraph (g) requests information regarding prior applications or processes with respect to market intermediaries, such as broker-dealers. Should the Commission request information regarding prior applications or processes with respect to other types of persons, such as issuers?

Q–16. Are there any restrictions (*e.g.,* state or foreign law) on SBS Entities providing any of the information required to be provided in connection with an application under proposed Rule of Practice 194? If so, please identify the specific restrictions and the potential impact of those restrictions.

Q–17. Is the process set forth in proposed Rule of Practice 194(h) appropriate? Does 30 days provide a sufficient time to provide a written statement in response to a notice of an adverse recommendation by Commission staff? Should the time period set forth in proposed paragraph (h) (30 days for a response by the applicant) be shorter or longer, and, if so, why?

Q–18. Should the Commission provide the temporary exclusion set forth in proposed Rule of Practice 194(i)(1)? Does the temporary exclusion set forth in proposed paragraph (i) adequately consider the interest in providing regulatory certainty and addressing concerns about potential investor or counterparty harm? Is it consistent with the Commission's investor protection mandate? Is it consistent with the Commission's mandates to maintain fair, orderly, and efficient markets and facilitate capital formation? Should the temporary exclusion be modified in any way? If so, please explain how the temporary exclusion should be modified and the benefits and costs of such an approach. For example, should the temporary exclusion be applicable only to associated persons that are not natural persons, as proposed, should it also be applicable to associated persons that are natural persons, or should the temporary exclusion not be provided to any associated person at all?

Q–19. Should the Commission provide for an exclusion from the prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities for 30 days following the associated person becoming subject to a statutory disqualification or 30 days following the person that is subject to a statutory disqualification becoming an associated person of an SBS Entity, as set forth in proposed Rule of Practice 194(i)(1)(i)?

Q–20. Should the Commission apply the temporary exclusion in proposed paragraph (i)(1) with respect to both filings made within 30 days of an associated person becoming subject to a statutory disqualification and those made within 30 days of a person that is subject to a statutory disqualification becoming an associated person of an SBS Entity?

Q–21. Does 30 days provide a sufficient time period to file an application pursuant to proposed Rule of Practice 194 such that an entity may be able to avail itself of the temporary exclusion set forth in proposed Rule of Practice 194(i)(1)(ii) or (iii)? Should the Commission provide for a process by which an applicant can submit a request for an extension of time? For example, where good cause is shown, should the Commission or its staff be able to extend the 30-day time period provided for in proposed Rule of Practice 194(i)(1) upon request by an SBS Entity? If so, during the time period for consideration of that request, should the SBS Entity be temporarily excluded from the prohibition in Exchange Act Section 15F(b)(6)?

Q–22. As proposed in paragraph (i)(1)(ii), should the Commission provide that an SBS Entity would be excluded from the prohibition in Exchange Act Section 15F(b)(6) for 180 days following the filing of a complete application pursuant to proposed Rule of Practice 194 by an SBS Entity if the application is filed within the time period specified in proposed paragraph (i)(1)(i) (*i.e.,* 30 days)? If so, why; if not, why not. If so, is the proposed 180-day time period set forth in proposed paragraph (i)(1)(ii) a reasonable time period for the Commission to appropriately evaluate an application under proposed Rule of Practice 194? Should it be shorter or longer, and, if so, why? For example, should proposed paragraph (i)(1)(ii) instead require that the Commission act on an application within fewer days (*e.g.,* 45 or 60 days), with an option for the Commission to extend the temporary exclusion by additional days (*e.g.,* 120 or 135 days), if necessary? Alternatively, should the time period afford the Commission additional time to evaluate an application (*e.g.,* 210 or 270 days)? Or should the rule not specify a time period and provide that the temporary exclusion will remain in effect during the pendency of the Commission's review of an application under proposed Rule of Practice 194? Do commenters believe that there are circumstances in which the Commission's decision may be delayed beyond 180 days such that the time period should be extended? Should the Commission consider adopting any additional procedures or measures to promote timely consideration of applications?

Q–23. As proposed, if the Commission does not render a decision on the application within 180 days, the temporary exclusion expires and the SBS Entity becomes subject to the statutory prohibition in Exchange Act Section 15F(b)(6). As an alternative, as discussed above in Section II.C.8, should the Commission provide that where the Commission does not render a decision within 180 days following the filing of a complete application pursuant to proposed Rule of Practice 194, the application shall be deemed granted? Please explain why, as well as the costs and the benefits of this alternative approach.

Q–24. Proposed paragraph (i)(1)(iii) provides that an SBS Entity would be excluded from the prohibition in Exchange Act Section 15F(b)(6) for 180 days following the filing of a complete application with, or initiation of a process by, the CFTC, an SRO or a registered futures association with respect to an application or process with respect to the associated person for the membership, association, registration or listing as a principal, where such application has been filed or process started prior to or within the time period specified in paragraph (i)(1)(i) (*i.e.,* 30 days). Is the proposed 180-day time period set forth in proposed paragraph (i)(1)(iii) an appropriate time period for an SBS Entity to determine whether it needs to file an application pursuant to proposed Rule of Practice 194 or a notice pursuant to proposed Rule of Practice 194(j) (see Question 33, *infra*)? Should it be shorter or longer (*e.g.,* the length of the proceeding), and, if so, why? What would be the impact of having a 180-day time period? For

example, does the 180-day time period provide a sufficient amount of time for the CFTC, an SRO or a registered futures association to make a determination with respect to membership, association, registration or listing as a principal with respect to a statutorily disqualified associated person entity? Why or why not? Would SBS Entities seek to file applications under proposed Rule of Practice 194 when there is a parallel application pending with the CFTC, an SRO or registered futures association because of the risk that a decision will not be rendered by the CFTC, an SRO or registered futures association within 180 days? If so, how should such parallel applications (and determinations with respect to such applications) be addressed, including any potential inconsistencies in substance or timing between the two?

Q–25. Should the proposed rule provide for either of the 60-day time periods set forth in proposed paragraph (i)(1)(ii) and (iii) to comply to the prohibition set forth in Exchange Act Section 15F(b)(6)? If so, why; if not, why not. Should the Commission provide for a process by which an applicant can submit a request for an extension of time of these time periods? For example, where good cause is shown, should the rule specify that the Commission or its staff may extend the 60-day time period provided for in proposed Rule of Practice 194(i)(1)(ii) and (iii) upon request by an SBS Entity? If so, during the time period for consideration of such request, should the SBS Entity be temporarily excluded from the prohibition in Exchange Act Section 15F(b)(6)?

Q–26. Should the Commission, as proposed in paragraph (i)(2), require that an SBS Entity file a notice with the Commission setting forth the name of the SBS Entity, the name of the associated person that is subject to a statutory disqualification, and attaching as an exhibit to the notice a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification in order to qualify for the temporary exclusion provided in proposed paragraph (i)(1)(ii) and (i)(1)(iii)? Should any information be included or excluded from the notice? If so, please specify what information should be included or excluded.

Q–27. Should the notice required under proposed paragraph (i)(2) be made public? Why or why not? Should any additional information be made public, such as the application and any corresponding exhibits required under proposed paragraphs (c) through (g)?

Q–28. Should the Commission provide that, where the Commission denies an application with respect to an associated person entity, the Commission may provide by order an extension of the temporary exclusion as is necessary or appropriate to allow the applicant to comply with the prohibition in Exchange Act Section 15F(b)(6), as set forth in proposed paragraph (i)(3)? Should the Commission provide by rule a limitation on the maximum time period allowed for any such extension?

Q–29. In addition to providing the Commission with the ability to extend the temporary exclusion when the Commission denies an application, as proposed paragraph (i)(3), should the Commission specify a minimum period of time for such an extension of the temporary exclusion following the issuance of an adverse decision (*e.g.,* 30 or 60 days following an adverse decision)? If so, please explain what minimum time period and why.

Q–30. As noted in Section II.B.3, the CFTC rules provide that associated persons of swap dealers and major swap participants are natural persons.[120] As a result, the prohibition in Section 4s(b)(6) of the CEA [121] applies to natural persons associated with a Swap Entity, but not entities associated with the Swap Entity. As discussed above in Section II.C.8, should the Commission similarly limit the scope of the statutory prohibition set forth in Exchange Act Section 15F(b)(6) to natural persons associated with an SBS Entity, beyond the parameters set forth in Exchange Act Rule 15Fb6–1? For example, should the Commission provide, by rule, that an SBS Entity may permit an associated person that is not a natural person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without making an application under proposed Rule of Practice 194? What would be the comparative advantages, disadvantages, costs and/or benefits of such an approach?

Q–31. If the prohibition set forth in Exchange Act Section 15F(b)(6) were limited to natural persons associated with an SBS Entity, what would be the impact on SBS Entities, counterparties and other market participants? For example, what would be the impact, if any, on the legal and compliance burden on SBS Entities (including any restructuring costs)? What would be the impact, if any, on counterparties' evaluation of the risk of entering into security-based swaps with an SBS Entity that had associated person entities subject to a statutory disqualification? What would be the impact on investor protections and the fair and orderly operation of the security-based swap market?

Q–32. If the prohibition set forth in Exchange Act Section 15F(b)(6) were limited to natural persons associated with an SBS Entity, should the Commission require that an SBS Entity provide a notice to the Commission that would set forth the name of the associated person entity that is subject to a statutory disqualification? Why or why not? What information should any such notice contain or attach (*e.g.,* a copy of the order or other applicable document that resulted in the associated person entity being subject to a statutory disqualification)? Should any such notice be made publicly available? What would be the comparative advantages, disadvantages, costs and benefits of providing such a notice to the public?

Q–33. Proposed paragraph (j) would, in part, permit associated persons that are subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of SBS Entities, without making an application pursuant to the proposed rule, in cases where another regulatory authority (*i.e.,* the CFTC, an SRO or registered futures association) has specifically reviewed the underlying basis for the statutory disqualification and made an affirmative finding, notwithstanding the statutory disqualification. Should the Commission adopt this approach? Why or why not? What would be the comparative advantages, disadvantages, costs and/or benefits of adopting such an approach? For example, how should the Commission consider the impact of such an approach in circumstances where the Commission has not itself reviewed the facts giving rise to the statutory disqualification, nor the steps taken by the SBS Entity with respect to assuring sufficient oversight of the associated person?

Q–34. As an alternative, except with regard to cases where the Commission has previously granted relief under the Commission's Rule of Practice 193 or proposed Rule of Practice 194, should the Commission remove the approach outlined in proposed Rule of Practice 194(j), and require the Commission to make the relevant determination to permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of an SBS Entity?

Q–35. Should proposed Rule of Practice 194(j) be limited to only

[120] *See* Note 42, *supra.*

[121] *See* 7 U.S.C. 6s(b)(6).

associated persons that are natural persons? If so, please explain why.

Q–36. Should proposed Rule of Practice 194(j) be limited to only associated persons that are not natural persons (*i.e.,* entities)? If so, please explain why.

Q–37. If the Commission were to provide an exclusion from the prohibition in Exchange Act Section 15F(b)(6) where another regulatory authority has previously made an affirmative finding with respect to the statutory disqualification as proposed in paragraph (j)(1)(i) and (iv), what regulatory authorities should be included in the scope of such a rule? For example, should the Commission limit proposed Rule of Practice 194(j) only to persons that have been admitted to or continued in membership, or participation or association with a member, of a national securities association (*i.e.,* FINRA)? Or should the Commission include as proposed other SROs, the CFTC or a registered futures association? What would be the comparative advantages, disadvantages, costs and/or benefits of any such approach? Should the Commission only provide an exclusion where the CFTC, an SRO or a registered futures association has made a determination with respect to an associated person that is not registered with the Commission?

Q–38. Should the exclusion from the statutory prohibition in Exchange Act Section 15F(b)(6) where another regulatory authority has previously made an affirmative finding, as provided in proposed Rule of Practice 194(j)(1)(i) and (iv), be limited only to certain types of conduct resulting in a statutory disqualification (*e.g.,* conduct that is not investment-related and certain other conduct)?

Q–39. Should the Commission exclude from the scope of Exchange Act Section 15F(b)(6), as proposed in paragraph (j)(1)(iv), a CFTC registrant notwithstanding that the person is subject to a statutory disqualification under CEA Sections 8a(2) or 8a(3)? Are there any categories of CFTC registrants that the Commission should not exclude? If so, please explain why.

Q–40. Should the Commission exclude from the scope of the prohibition in Exchange Act Section 15F(b)(6) associated persons whom NFA has determined pursuant to the CFTC Staff No-Action Letter [122] that, had the associated person applied for registration as an associated person of a swap dealer or a major swap participant, notwithstanding statutory disqualification, the application would have been granted? If so, please explain why.

Q–41. Under proposed Rule of Practice 194(j), are there any other types of registrants or persons that the Commission should exclude from the statutory prohibition in Exchange Act Section 15F(b)(6)? For example, should the Commission exclude any persons associated with an entity regulated by a prudential regulator or a foreign financial regulatory authority where the prudential regulator or foreign financial regulatory authority has previously granted relief with respect to the statutory disqualification? If so, please specify the regulator, and explain how the process that regulator uses to assess an associated person subject to a statutory disqualification is comparable to the applications or processes covered by proposed Rule of Practice 194(j).

Q–42. Under proposed Rule of Practice 194(j), are there any additional categories of associated persons of SBS Entities that the Commission should exclude from the statutory prohibition in Exchange Act Section 15F(b)(6)? If so, please provide the additional category and provide the reasons for including the category.

Q–43. As proposed in paragraph (j)(1)(ii), should the Commission allow SBS Entities to permit associated persons that are natural persons that are subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, without making an application pursuant to the proposed rule, in cases where the natural person has been permitted to associate pursuant to the Rule of Practice 193? If so, why; if not, why not?

Q–44. As proposed in paragraph (j)(1)(iii), should the Commission allow SBS Entities to permit associated persons (natural persons and entities) that are subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, without making an application pursuant to the proposed rule, in cases where the person has previously been permitted to effect or be involved in effecting security-based swaps on behalf of the SBS Entity pursuant to the Rule of Practice 194? If so, why; if not, why not?

Q–45. As proposed, for the exclusion in proposed Rule of Practice 194(j) to apply, should the Commission require that all matters giving rise to a statutory disqualification under Exchange Act Section 3(a)(39)(A) through (F) must have been subject to a process where the membership, association, registration or listing as a principal has been granted or otherwise approved? If so, please explain why. Should proposed Rule of Practice 194 address the scenario where there were prior applications or processes arising from the same matter resulting in statutory disqualification, but where one application was denied while the other one was granted? For example, should the event that is later in time control whether the Commission should permit the person subject to a statutory disqualification to effect or be involved in effecting security-based swap transactions? If so, please explain why.

Q–46. For the exclusion in proposed Rule of Practice 194(j) to apply, should the Commission require that the terms and conditions of the association with the SBS Entity be the same in all material respects as those approved in connection with a previous order, notice or other applicable document granting the membership, association, registration or listing as a principal, as set forth in proposed Rule of Practice 194(j)(2)(ii)? If so, why; if not, why not?

Q–47. For the exclusion in proposed Rule of Practice 194(j) to apply, should the Commission require the notice set forth in proposed Rule of Practice 194(j)(2)(iii) and (iv)? If so, why; if not, why not? Should the Commission require any additional information in either notice? Are there any categories of information in either notice that the Commission should exclude? If so, please provide the category and the reasons for excluding it. Should the Commission adopt a different format for either notice, such as a form? If so, please explain why and provide a description of the format for the notice. Should the notice required under proposed paragraph (j)(2)(iii) and (iv) be made public? Why or why not?

Q–48. With respect to associated person entities, should the scope of proposed Rule of Practice 194(j) be limited to entities that have previously been granted relief under proposed Rule of Practice 194, as set forth in proposed paragraph (j)(1)(iii)? Should the Commission exclude from the scope of proposed Rule of Practice 194(j) entities that have previously been granted relief under another process (*e.g.,* entities granted relief by the CFTC, an SRO or NFA)?

Q–49. Should the Commission have a different process with respect to associated persons that are subject to a statutory disqualification as a result of certain types of conduct (*e.g.,* conduct that is not investment-related)? If so, please specify what process and the reasons for such an approach. Should the Commission exclude from the scope of the statutory prohibition in Exchange Act Section 15F(b)(6) any types of

[122] *See* Note 49, *supra,* at 5–8.

statutory disqualifications that are not investment-related?

IV. Paperwork Reduction Act

Proposed Rule of Practice 194 contains ''collection of information requirements'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA''). 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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid control number. The title of this collection is ''Rule of Practice 194.'' OMB has not yet assigned a Control Number for this collection. The collections of information required by Rule of Practice 194 would be necessary for an SBS Entity to seek relief pursuant to the proposed rule or to rely on the exception in the rule for associated persons.

A. Summary of Collection of Information

Proposed Rule of Practice 194 would provide a process by which an SBS Entity could apply for Commission for an order permitting an associated person to effect or be involved in effecting security-based swaps on behalf of the SBS Entity notwithstanding a statutory disqualification. To make an application under proposed Rule of Practice 194, the SBS Entity filing an application with respect to an associated person that is a natural person would provide to the Commission:

- Exhibits required by proposed paragraph (c) to Rule of Practice 194, including a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification; an undertaking by the applicant to notify promptly the Commission in writing if any information submitted in support of the application becomes materially false or misleading while the application is pending; a copy of the questionnaire or application for employment specified in Rule 15Fb6–2(b),[123] with respect to the associated person; in cases where the associated person has been subject of any proceedings resulting in the imposition of disciplinary sanctions during the five years preceding the filing of the application or is the subject of a pending proceeding by the Commission, CFTC, any federal or state regulatory or law enforcement agency, registered futures association, foreign financial regulatory authority, registered national securities association, or any other SRO, or commodities exchange or any court, a copy of the related order, decision, or document issued by the court, agency or SRO.
- A written statement that includes the information specified in proposed paragraphs (d) and (g) to Rule of Practice 194, including, but not limited to: The associated person's compliance with any order resulting in statutory disqualification; the capacity or position in which the person subject to a statutory disqualification proposes to be associated with the SBS Entity; the terms and conditions of employment and supervision to be exercised over such associated person and, where applicable, by such associated person; the compliance and disciplinary history, during the five years preceding the filing of the application, of the SBS Entity; information concerning prior applications or processes.

To make an application under proposed Rule of Practice 194, the SBS Entity filing an application with respect to an associated person that is not a natural person would provide to the Commission:

- Exhibits required by proposed paragraph (e) to Rule of Practice 194, including a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification; an undertaking by the applicant to notify promptly the Commission in writing if any information submitted in support of the application becomes materially false or misleading while the application is pending; organizational charts of the associated person (if available); certain applicable policies and procedures of the associated person; a copy of an order, decision, or document issued by the court, agency or SRO issued during the five years preceding the filing of the application; in cases where the associated person has been subject of any proceedings resulting in the imposition of disciplinary sanctions during the five years preceding the filing of the application or is the subject of a pending proceeding by the Commission, CFTC, any federal or state regulatory or law enforcement agency, registered futures association, foreign financial regulatory authority, registered national securities association, or any other SRO, or commodities exchange or any court, a copy of the related order, decision, or document issued by the court, agency or SRO; the names of any natural persons employed by the associated person that are subject to a statutory disqualification and that would effect or be involved in effecting security-based swaps on behalf of the SBS Entity.
- A written statement that includes the information specified in proposed paragraphs (f) and (g) to Rule of Practice 194, including, but not limited to: General background information about the associated person; the associated person's compliance with any order resulting in statutory disqualification; the capacity or position in which the person subject to a statutory disqualification proposes to be associated with the SBS Entity; the compliance and disciplinary history, during the five years preceding the filing of the application, of the SBS Entity; information concerning prior applications or processes.
- To be eligible for the temporary exclusion set forth in paragraph (i)(1)(ii) and (i)(1)(iii) to proposed Rule of Practice 194, under proposed paragraph (i)(2), the SBS Entity would be required to file with the application a notice setting forth the name of the SBS Entity and the name of the associated person that is subject to a statutory disqualification, and attaching as an exhibit to the notice a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification.

Under paragraph (h) to proposed Rule of Practice 194, an applicant could submit a written statement in response to any adverse recommendation proposed by Commission staff with respect to an application under proposed Rule of Practice 194.

An SBS Entity would not be required to file an application under proposed Rule of Practice 194 with respect to certain associated persons that are subject to a statutory disqualification, as provided for in proposed paragraph (j) of proposed Rule of Practice 194. To meet those requirements, however, the SBS Entity would be required to file a notice with the Commission. For associated persons that are natural persons, the notice in proposed paragraph (j)(2)(iii) would set forth: (1) The name of the SBS Entity; (2) the name of the associated person subject to a statutory disqualification; (3) the name of the associated person's prospective supervisor(s) at the SBS Entity; (4) the place of employment for the associated person subject to a statutory disqualification; and (5) identification of any SRO or agency that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal. For associated persons that are not natural persons, the notice in proposed paragraph (j)(2)(iv) would set forth: (1) The name of the SBS Entity; (2) the

[123] 17 CFR 240.15Fb6–2(b).

name of the person associated that is subject to a statutory disqualification and that will effect or be involved in effecting security-based swaps on behalf of the SBS Entity; and (3) identification of any SRO or agency that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal.

The information sought in connection with proposed Rule of Practice 194 would assist the Commission in determining whether allowing associated persons to effect or be involved in effecting security-based swaps on behalf of a SBS Entity, notwithstanding statutory disqualification, is consistent with the public interest.

The Commission has sought to minimize the burdens and costs associated with proposed Rule of Practice 194. First, the Commission is not requiring an application under proposed Rule of Practice 194 with respect to certain associated persons subject to a statutory disqualification previously granted relief (*i.e.,* by Commission, CFTC, SRO, or NFA). Rather, in such instances, SBS Entities would only be required to provide a brief notice to the Commission under proposed Rule of Practice 194(j)(2)(iii) (with respect to associated persons that are natural persons) and (j)(2)(iv) (with respect to associated person entities). Second, proposed Rule of Practice 194 generally requires information that is already required by Rule of Practice 193 [124] and FINRA Forms MC400 [125] and MC–400A.[126] Because the requirements in proposed Rule of Practice 194 would generally be similar to pre-existing requirements in Rule of Practice 193 and FINRA Forms MC–400 and MC–400A (and largely use the same terminology), proposed Rule of Practice 194 should provide a familiar process for respondents.[127] Third, where appropriate, the Commission has limited the scope of certain requirements, including by limiting the time period (for example, paragraphs (c)(4), (d)(6), (d)(10), (e)(5), (f)(6), and (f)(7) to proposed Rule of Practice 194) or the scope of information sought (for example, paragraph (d)(10) and (f)(7) to proposed Rule of Practice 194). Finally, the documents that are requested to be provided with the written statement in paragraphs (c) and (e) of proposed Rule of Practice 194 (*e.g.,* a copy of the order or other applicable document that resulted in statutory disqualification) should be readily available or accessible to the SBS Entity or to the associated person.

B. Proposed Use of Information

Information collected in connection with an application under proposed Rule of Practice 194 would assist the Commission in determining whether an associated person of an SBS Entity should be permitted to effect or be involved in effecting security-based swaps on behalf of the SBS Entity, notwithstanding that the associated person is subject to a statutory disqualification. Although, absent the proposed rule, an SBS Entity could nonetheless submit an application for an exemptive order directly under Exchange Act Section 15F(b)(6),[128] proposed Rule of Practice 194 would specify the information the Commission needs to evaluate such an application, and under what standard the Commission will consider whether to grant such relief.

Information collected in connection with the notices provided by Rule of Practice 194(j)(2)(iii) and (j)(2)(iv) would assist the Commission for examination purposes by identifying associated persons that are subject to a statutory disqualification (and other basic information).

C. Respondents

The Commission has previously stated that it believes that, based on data obtained from the Depository Trust & Clearing Corporation and conversations with market participants, approximately fifty entities may fit within the definition of security-based swap dealer and up to five entities may fit within the definition of major security-based swap participant—55 SBS Entities in total.[129]

With respect to associated persons that are natural persons, as discussed in Section V.C.1 below, the Commission has estimated that there will be 423 total associated persons that are natural persons at each SBS dealer and 63 total associated persons that are natural persons at each major participant, or 21,465 total associated persons that are natural persons.[130] The Commission anticipates that, on an average annual basis, only a small fraction of the natural persons would be subject to a statutory disqualification. By way of comparison, of the nearly 4,000 currently registered broker-dealers and approximately 272,000 registered representatives,[131] for 2014, FINRA received 24 MC–400 applications with respect to individuals subject to a statutory disqualification seeking relief under the FINRA Rule 9520 Series.[132] Given that the Commission estimates that there will be far fewer SBS Entities (55) and associated persons of SBS Entities that are natural persons (21,465 total associated persons that are natural persons), the Commission anticipates that SBS Entities will file for relief under Rule of Practice 194 with respect to substantially fewer associated persons that are natural persons.

In addition, to estimate the number of such persons, the Commission staff has conferred with NFA to assess how many associated persons of the 112 provisionally registered Swap Entities [133] have applied for relief from CEA 4s(b)(6) [134] (the analogous provision to Exchange Act Section 15F(b)(6) [135] for SBS Entities) for determination by NFA that, had the associated person applied for registration as an associated person of a Swap Entity, notwithstanding statutory disqualification, the application would have been granted.[136] NFA has informed Commission staff that, from October 2012 to July 22, 2015, NFA determined that in 9 out of 11 requests NFA would have granted registration with respect to the associated person subject to a statutory disqualification.

Accordingly, based on that available data, the Commission estimates that, on an average annual basis, SBS Entities would seek relief in accordance with proposed Rule of Practice 194 for five

[124] 17 CFR 201.193.

[125] *See* FINRA Form MC–400, Note 33, *supra.*

[126] *See* FINRA Form MC–400A, Note 34, *supra.*

[127] The Commission has estimated that approximately 16 registered SBS Entities will be broker-dealers, and thus registered with FINRA. *See* Registration Adopting Release, at Section IV.C.

[128] 15 U.S.C. 78o–10(b)(6).

[129] *See* 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 (June 25, 2014), 79 FR 47278, 47300 (Aug. 12, 2014) (''Cross-Border Adopting Release'').

[130] One commenter questioned the Commission's estimate, stating that some entities ''could have hundreds, if not thousands, of associated natural persons that will effect or will be involved in effecting security-based swaps.'' *See* 12/16/11 SIFMA Letter, at 8. However, the commenter did not provide supporting data. The Commission nonetheless has revised its estimate of the number of associated persons. *See* Registration Adopting Release, at Section IV.D.4.

[131] Based on an analysis of regulatory filings, as of December 31, 2014, there are 3,954 broker-dealers that employed full-time registered representatives and were doing a public business; these broker-dealers each employed on average 69 registered representatives, or approximately 272,000 in total. *See* Note 158, *infra.*

[132] *See* Section V.C.2, *infra.*

[133] *See* NFA SD/MSP Registry, *https://www.nfa.futures.org/NFA-swaps-information/regulatory-info-sd-and-msp/SD-MSP-registry.HTML.*

[134] 7 U.S.C. 6s(b)(6).

[135] 15 U.S.C. 78o–10(b)(6); *see* Section II.B.3, *supra.*

[136] *See* EasyFile AP Statutory Disqualification Form Submission, NFA, *https://www.nfa.futures.org/NFA-electronic-filings/easyFile-statutory-disqualification.HTML, supra* Note 50.

natural persons subject to a statutory disqualification, and SBS Entities would provide notices pursuant to proposed Rule of Practice 194(j)(2)(iii) for five natural persons.

With respect to associated persons that are not natural persons, as discussed in Section V.C.1 below, the Commission has estimated that as many as 868 entity persons may be associating with all SBS Entities.[137] In the Registration Adopting Release, the Commission adopted Exchange Act Rule 15Fb6–1,[138] which provides that, unless otherwise ordered by the Commission, an SBS Entity, when it files an application to register with the Commission as a security-based swap dealer or major security-based swap participant, may permit an associated person associated 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 disqualification(s) under Exchange Act Section 3(a)(39)(A) through (F) [139] occurred prior to the compliance date set forth in the Registration Adopting Release, and provided that it identifies each such associated person in the registration application. Therefore, such SBS Entities will not file an application or notice under proposed Rule of Practice 194 where Exchange Act Rule 15Fb6–1 [140] is applicable.

The Commission preliminarily believes that Exchange Act Rule 15Fb6–1 will apply to the bulk of statutorily disqualified associated persons that are not natural persons, and that, on an average annual basis, a limited number of the associated persons that are not natural persons would be subject to a statutory disqualification. By way of comparison, in 2014, of the nearly 4,000 registered broker-dealers, FINRA received 10 MC–400A applications with respect to member firms (nine of which were related to the entity, while one was due to an owner/control person of the member firm being subject to a statutory disqualification),[141] and the total number of MC–400A applications received during that five year period (from 2010–2014) was 63.[142] Because there would be far fewer SBS Entities, the Commission preliminarily estimates that, on an average annual basis, SBS Entities would seek relief in accordance with proposed Rule of Practice 194 for two associated persons that are not natural persons and that are subject to a statutory disqualification, and SBS Entities would provide notices pursuant to proposed Rule of Practice 194(j)(2)(iv) for two associated persons that are not natural persons.

Therefore, the Commission anticipates that, on an average annual basis, SBS Entities would file five applications under proposed Rule of Practice 194 with respect to associated persons that are natural persons, two applications under proposed Rule of Practice 194 with respect to associated persons that are entities, and seven notices for natural persons and entities under proposed Rule of Practice 194(j)(2)(iii) and (j)(2)(iv). The Commission seeks comment on these estimates.

D. Total Burden Estimates Relating to Proposed Rule of Practice 194

It is likely that the time necessary to complete an application under proposed Rule of Practice 194 would vary depending on the number of exhibits required to be submitted in accordance with proposed Rule of Practice 194(c) and (e), and the amount of information that would need to be discussed in the written statement, as specified in proposed Rule of Practice 194(d), (f) and (g).

Based on the Commission staff's estimates and experience,[143] the Commission estimates that the average time necessary for an SBS Entity to research the questions, and complete and file an application under Rule of Practice 194 (including any response under proposed Rule of Practice 194(h)), as well as the notice provided for in proposed paragraph (i)(2), if applicable, with respect to an associated person that is an entity would be approximately one work week, or 40 hours. The Commission believes that, for applications with respect to associated persons that are natural persons, the information requested under proposed Rule of Practice 194 is on average less than for entities, and that the written statement and supporting papers would require less time to complete. The Commission therefore estimates that for associated persons that are natural persons it would take SBS Entities approximately 75% of the time that it would take to research the questions, and complete and file an application under Rule of Practice 194 for associated persons that are entities, or 30 hours. In addition, the Commission believes that the average time necessary for an SBS Entity to research the questions, complete and file the brief notice under proposed Rule of Practice 194(j)(2)(iii) or 194(j)(2)(iv) would be less than for a full application under proposed Rule of Practice 194 and the Commission estimates that it would take approximately 3 hours.

Given that the Commission estimates that, on an average annual basis, there will be five applications under proposed Rule of Practice 194 with respect to associated persons that are natural persons, two applications under proposed Rule of Practice 194 with respect to associated persons that are entities, and seven notices under proposed Rule of Practice 194(j)(2)(iii) and (j)(2)(iv), the Commission estimates the total burden associated with filing such applications and notices on average to be 251 hours on an annual basis.[144] The Commission seeks comment on these estimates.

The Commission seeks comment on the collection of information burdens associated with proposed Rule of Practice 194.

Q–50. Is the estimate for the number of applications under Rule of Practice 194 appropriate? Is the estimate for the number of notices under proposed Rule of Practice 194(j)(2)(iii) and (j)(2)(iv) appropriate?

Q–51. Is the estimate for the amount of time that it would take on average for an SBS Entity to complete an application (and, if applicable, the accompanying notice provided for in proposed paragraph (i)(2)) under Rule of Practice 194 appropriate? Is the estimate for the amount of time that it would take

[137] *See* Note 159, *infra.*

[138] 17 CFR 240.15Fb6–1.

[139] 15 U.S.C. 78c(a)(39)(A)–(F).

[140] 17 CFR 240.15Fb6–1.

[141] *See* Section V.C.2, *infra.*

[142] We note that under FINRA rules, only the FINRA member itself (*i.e.,* the broker-dealer entity) would apply under Form MC–400A, not associated persons that are entities. Therefore, these estimates may more closely represent the number of affected broker-dealers, rather than the number of statutorily disqualified entities seeking to associate. However, under Exchange Act Section 3(a)(39)(E), 15 U.S.C. 78c(a)(39)(E), a person may be subject to a statutory disqualification if that person has associated with him any person who is known, or in the exercise of reasonable care should be known, to him to be a person described by paragraphs (A), (B), (C), or (D) of Exchange Act Section 3(a)(39). For purposes of identifying whether a member of an SRO is subject to a statutory disqualification under Exchange Act Section 3(a)(39), an associated person may include persons that are not natural persons. *See* FINRA Regulatory Notice 09–19, at 3.

[143] For example, based on the experience relative to Form BD, the Commission has estimated the average time necessary for an SBS Entity to research the questions and complete and file a Form SBSE, including the accompanying schedules and disclosure reporting pages—which solicit information regarding statutory disqualification—to be approximately one work week, or 40 hours. *See* Registration Adopting Release, at Section IV.D.1.

[144] This estimate is based on the following: [(40 hours) × (2 SBS Entities applying with respect to associated persons that are entities) + (30 hours) × (5 SBS Entities applying with respect to associated persons that are natural persons) + (3 hours) × (7 SBS Entities filing notices under proposed Rule of Practice 194(j)(2)(iii) and (j)(2)(iv))] = 251 hours total.

on average for an SBS Entity to complete a notice under proposed Rule of Practice 194(j)(2)(iii) and (j)(2)(iv) appropriate?

Q–52. Would SBS Entities incur costs for outside counsel in preparing applications under proposed Rule of Practice 194? If so, please provide estimates and any supporting data, if available.

E. Confidentiality

The information collected pursuant to proposed Rule of Practice 194 will be kept confidential, subject to the provisions of applicable law.

F. Request for Comment

Pursuant to 44 U.S.C. 3505(c)(2)(B), the Commission solicits comment to:

1. Evaluate whether the proposed collection is necessary for the proper performance of our functions, including whether the information shall have practical utility;

2. Evaluate the accuracy of our estimate of the burden of the proposed collection of information;

3. Determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and

4. Evaluate whether there are ways to minimize the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Persons submitting comments on the collection of information requirements should direct them to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503, and should also send a copy of their comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090, with referenced to File No. S7–14–15. Requests for materials submitted to OMB by the Commission with regard to this collection of information should be in writing, with reference to File No. S7–14–15, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549. As OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

V. Economic Analysis

A. Introduction

Exchange Act Section 15F(b)(6) [145] prohibits an SBS Entity from permitting an associated person who is subject to a statutory disqualification from effecting or being 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. Exchange Act Section 15(b)(6) also authorizes the Commission to provide relief from the statutory prohibition by rule, regulation, or order.

Exchange Act Section 15F(b)(6) imposes a general prohibition on statutorily disqualified associated persons from effecting or being involved in effecting security-based swaps on behalf of an SBS Entity unless otherwise permitted by the Commission. Concurrently with this proposal, the Commission is adopting final rules and forms establishing the registration process for SBS Entities. Among other things, these rules reference the events in the existing definition of statutory disqualification in Exchange Act Section 3(a)(39)(A) through (F) [146] and apply them to Exchange Act Section 15F(b)(6). This definition disqualifies associated persons from effecting or being involved in effecting security-based swaps due to violations of the securities laws, but also for all felonies and certain misdemeanors, including felonies and misdemeanors not related to the securities laws and/or financial markets. Under Exchange Act Section 15F(b)(6), absent Commission action, SBS Entities will be unable to utilize any associated person, including associated entities and natural persons with potentially valuable capabilities, skills or expertise, to effect or be involved in effecting security-based swaps if they have been disqualified for any reason, including non-investment-related conduct that may not pose a risk to security-based swap market participants.[147]

Under the final registration rules, the statutory prohibition in Exchange Act Section 15F(b)(6) applies to all associated persons, including both natural persons and associated entities of SBS Entities. The Commission is proposing Rule of Practice 194 to provide a process for a registered SBS Entity to make an application to the Commission to issue an order permitting an associated person who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity. Among other things, the proposed rule would:

- Specify how SBS Entities may apply to the Commission to permit an associated person subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of an SBS Entity, including the form of application, items to be addressed, and standard of review and requiring applicants to make a showing that permitting the associated person to effect or be involved in effecting security-based swaps is consistent with the public interest;
- Provide a temporary exclusion from the general statutory prohibition pending a Commission, CFTC, SRO or registered futures association decision on an application regarding associated person entities effecting or involved in effecting security-based swaps on behalf of SBS Entities, if the application is filed within 30 days of the disqualification event or of the beginning of an association with a previously disqualified entity and a notice has been filed with the Commission within the same 30-day time period. The temporary exclusion expires 180 days following the filing of a complete application with, or initiation of a process by, the CFTC, an SRO or a registered futures association, and in the event of an adverse decision an SBS Entity will have 60 days to conform with the general statutory prohibition. The temporary exclusion pending Commission decision expires 180 days from the date of filing a complete application if the Commission has not rendered a decision on the application, after which SBS Entities will have 60 days to conform with the general statutory prohibition;
- Allow SBS Entities, under certain conditions, to permit associated persons who are subject to a statutory disqualification to effect or be involved in effecting security-based swaps on their behalf, provided the Commission, the CFTC, an SRO or a registered futures association has granted a prior application or otherwise granted relief after a statutory disqualification review of that associated person, and provided appropriate notice has been filed.

Proposed Rule of Practice 194 is intended to establish a framework for SBS Entities seeking relief from the statutory prohibition in Exchange Act

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[145] 15 U.S.C. 78o–10(b)(6).

[146] 15 U.S.C. 78c(a)(39)(A)–(F). *See* Note 16, *supra.*

[147] Final registration rules also require the Chief Compliance Officer of an SBS Entity, or his or her designee, to certify on its registration form that none of its associated persons that effect or are involved in effecting security-based swaps on its behalf are subject to a statutory disqualification. *See* Registration Adopting Release, at Section II.B.3.

Section 15F(b)(6). Exchange Act Section 15F(b)(6) gives the Commission flexibility to address statutory disqualification situations, including by order. Under this section, the prohibition with respect to statutorily disqualified persons applies ''[e]xcept to the extent otherwise specifically provided by rule, regulation, or order of the Commission.'' [148] This statutory provision gives the Commission discretion to determine that a statutorily disqualified person may effect or be involved in effecting security-based swaps on behalf of an SBS Entity. Exchange Act Section 15F(b)(6), however, does not specify what information should be provided to the Commission when an SBS Entity seeks relief, nor does it set forth the standard under which the Commission would evaluate requests for relief. Proposed Rule of Practice 194 specifies the information and documents that SBS Entities should provide to the Commission, as well as the applicable procedures and standard of review, for seeking relief from the statutory prohibition in Exchange Act Section 15F(b)(6). While the Exchange Act provides the Commission with the authority to make a determination with respect to a statutorily disqualified person, the structured process outlined in proposed Rule of Practice 194 is designed to ensure that the Commission has sufficient information to evaluate whether providing relief for an associated person under Exchange Act Section 15F(b)(6) is consistent with the public interest.

B. General Economic Considerations

In considering proposed Rule of Practice 194 and alternative regulatory approaches to a process for addressing statutory disqualification, we are mindful of the costs imposed by and the benefits obtained from our rules. Section 3(f) of the Exchange Act [149] provides that whenever the Commission is engaged in rulemaking pursuant to the Exchange Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Exchange Act [150] requires the Commission, when making rules under the Exchange Act, to consider the impact such rules would have on competition. Exchange Act Section 23(a)(2) also provides that the Commission shall not adopt any rule which would impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The discussion below addresses the potential economic effects of the proposed Rule of Practice 194, including the likely benefits and costs of the rules and their potential impact on efficiency, competition, and capital formation.

As we have noted, Exchange Act Section 15F(b)(6) gives the Commission authority to provide relief from the statutory prohibition against associating with disqualified persons by rule, regulation, or order, and the Commission is not bound by any particular approach in exercising its discretion to provide relief. In particular, in the absence of the proposed rule or any other proposed approach, SBS Entities would still be able to apply for relief from Exchange Act Section 15F(b)(6) and the Commission would be able to issue an order either granting or denying relief. When determining whether to make an application for relief with respect to an associated person, an SBS Entity will weigh the scarcity and value of the particular skills of an associated person that is a natural person or the profits generated by an associated person entity's security-based swap business against (1) the application costs and reputational costs that come with choosing to associate with disqualified persons, and (2) their beliefs as to the likelihood of an approval or denial decision by the Commission. To the extent that proposed Rule of Practice 194 alters an SBS Entity's assessment of either application and reputational costs or beliefs about likely outcomes and the decision to apply with the Commission, economic costs and benefits may accrue to SBS Entities, associated persons, and counterparties to SBS Entities.

The Commission preliminarily believes that the primary benefits of the proposed approach are in (1) providing SBS Entities clarity regarding the items to be addressed, the information and supporting documentation to be submitted, and the standard of review (affecting application costs and beliefs about likely outcomes), and (2) ensuring that the Commission has sufficient information to make a meaningful determination that allowing an SBS Entity to permit statutorily disqualified associated persons to effect security-based swaps is consistent with the public interest. Finally, we note that regardless of the regulatory approach chosen, SBS Entities may find it less costly to disassociate with, or reassign, disqualified persons than to apply for relief.

The Commission lacks 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, the location and specificity of expertise of such persons, as well as the reputational costs of associating with disqualified persons. Further, the economic effects of various provisions of proposed Rule of Practice 194 hinge on whether and how significantly SBS Entities may be affected by the statutory prohibition in Exchange Act Section 15F(b)(6); how market participants will react to SBS Entities seeking relief through a Commission order compared to relief under proposed Rule of Practice 194, which will affect the reputational costs of the application under Rule of Practice 194 relative to baseline; and how other SBS Entities will react to the newly opened market share should some SBS Entities temporarily cease effecting security-based swaps or exit due to the statutory prohibition in Exchange Act Section 15F(b)(6). To the best of our knowledge, no such data are publicly available. We, therefore, cannot quantify many of the effects, including the tradeoff behind an SBS Entity's choice to pursue relief and face potential reputational losses versus disassociating with the statutorily disqualified associated person. Where we cannot quantify, we discuss in qualitative terms the relevant economic effects, including the costs and benefits of proposed Rule of Practice 194 and alternative approaches.

C. Economic Baseline

To assess the economic impact of proposed Rule of Practice 194, the Commission is using as a baseline the regulation of SBS Entities as it exists at the time of this proposal, including applicable rules we have adopted, but excluding rules that we have proposed but not yet finalized. Included in our baseline are final rules establishing registration requirements for SBS Entities, which are being adopted concurrently with this proposal.[151]

Our economic baseline presumes that the general prohibition in Exchange Act Section 15F(b)(6) [152] is in effect, and compliance with registration requirements is required. However, we note that prior to adoption of final registration rules, the Commission previously provided temporary relief

[148] 15 U.S.C. 78o–10(b)(6).

[149] 15 U.S.C. 78c(f).

[150] 15 U.S.C. 78w(a)(2).

[151] *See* Registration Adopting Release.

[152] 15 U.S.C. 78o–10(b)(6).

from Exchange Act Section 15F(b)(6) for certain associated persons. Specifically, on June 15, 2011, the Commission issued an order granting temporary relief from Exchange Act Section 15F(b)(6) for persons subject to a statutory disqualification who were associated with an SBS Entity as of July 16, 2011.[153] As discussed in the Registration Adopting Release, SBS Entities are required to comply with the statutory prohibition set forth in Exchange Act Section 15F(b)(6).[154] However, under Exchange Act Rule 15Fb6–1,[155] unless otherwise ordered by the Commission, an SBS Entity, when it files an application to register with the Commission as a security-based swap dealer or major security-based swap participant, may permit statutorily disqualified associated person entities to effect or be involved in effecting security-based swaps on its behalf, provided that the statutory disqualification occurred prior to the compliance date set forth in the Registration Adopting Release, and provided that the SBS Entity identifies each such associated person on Schedule C of the applicable registration form. Additionally, we note that the compliance date of final registration rules will not occur until, among other things, the Commission adopts final rules establishing a process for a registered SBS Entity to apply for relief from the statutory disqualification provision in Exchange Act Section 15F(b)(6).[156]

Thus, there are currently no registered entities that are required to comply with either the statutory disqualification certifications in the final registration rules or the statutory prohibition in Exchange Act Section 15F(b)(6). Nevertheless, the Commission believes that in order to perform a meaningful assessment of proposed Rule of Practice 194, the appropriate baseline is one where compliance with final registration rules is required, the general statutory prohibition is in effect, and the Commission may use its authority under Exchange Act Section 15F(b)(6) to issue an order providing relief.

1. Affected Participants

Because final registration rules are being adopted concurrently with this proposal, but compliance is not yet required, we do not have data on the actual number of SBS Entities that will register with the Commission, or the number of persons associated with registered SBS Entities. However, in the Registration Adopting Release, the Commission estimated that up to 50 entities may register with the Commission as security-based swap dealers, and up to five additional entities may register as major security-based swap participants.[157] Furthermore, we estimate that as many as 423 natural persons may associate with each dealer and as many as 63 natural persons may associate with each major participant, or 21,465 in total.[158] In addition, we estimate that 868 entity persons may be associating with all SBS Entities.[159] We note that SBS Entities currently intermediating security-based swaps are frequently part of complex organizational structures, which may include thousands of natural persons and hundreds of entities. Further, we preliminarily believe that SBS Entities may adjust their organizational structures and activities in response to the associated person and other requirements of final registration rules and the pending substantive Title VII rules. We also preliminarily anticipate that there may be a high degree of heterogeneity in business structures and organizational complexity among SBS Entities. The Commission lacks data on SBS Entity associations with disqualified entities effecting or involved in effecting security-based swaps on their behalf. It is, therefore, difficult to estimate with a high degree of certainty the number of associated persons and associated persons currently intermediating security-based swaps on behalf of SBS Entities that may be affected by the proposed rules.

2. Incidence of Disqualification

While the Commission lacks data on the incidence of statutory disqualifications in the security-based swap market, we look to the securities market and the experience of broker-dealers as a guide.[160] Based on

[153] *See* Note 13, *supra.*

[154] 15 U.S.C. 78o–10(b)(6); *see* Registration Adopting Release, at Section II.B.1.i. The compliance date set forth in the Registration Adopting Release is 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. *See* Registration Adopting Release, at 1.

[155] 17 CFR 240.15Fb6–1.

[156] *See* Note 154, *supra.*

[157] *See* Registration Adopting Release, at Section IV.C; Section V.B, *supra.*

[158] Based on an analysis of broker-dealer FOCUS reports, as of December 31, 2014, there were 3,954 broker-dealers that employed full-time registered representatives and were doing a public business; these broker-dealers each employed on average 69 registered representatives, or approximately 272,000 in total. However, based on our review of the 50 entities we believe may register as security-based swap dealers, the Commission believes the subset of clearing broker-dealers provides a better estimate. As of December 31, 2014, there were 447 clearing broker-dealers which had, on average, each employed 423 persons who were registered representatives; we use this average as the basis for our estimate of 21,150 natural persons associated with dealers. Note, however, 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, as well as other business lines such as prime brokerage services. Thus, it is possible that fewer people would be needed to facilitate this business.

Since registration requirements for major security-based swap participants are triggered by position thresholds, as opposed to activity thresholds for dealer registration, we anticipate that entities which may seek to register with the Commission as major security-based swap participants may more closely resemble hedge funds and investment advisors. To estimate the number of natural persons associated with major security-based swap participants, we use Form ADV filings by registered investment advisers. Based on this analysis, as of January 2, 2015 there were 11,506 registered investment advisers; these investment advisers had an average 63 employees each. We use this average as the basis for our estimate of 315 natural persons associated with major security-based swap participants.

[159] Based on an analysis of historical Form BD filings, broker-dealers with control affiliates had an average of 6.84 control affiliates that started to associate between 2000 and 2014, and have not ended the association by December 31, 2014. We preliminarily believe that it may be appropriate to scale the figure by a factor of two to account for complexity in business structures and for the fact that security-based swap dealers are likely to resemble some of the larger broker dealers, which results in an estimate of up to 684 (6.84 * 50 * 2 = 684) entities associated with security-based swap dealers. As discussed in our estimates of associated natural persons, 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, and it is possible that fewer entities would be needed to facilitate this business.

Using historical Form ADV filings for investment advisers with control persons as of March 2015, investment advisors with control persons had an average of approximately 18.35 control persons listed as firms or organizations that started to associate between 2000 and 2014, and have not ended the association by December 31, 2014. We preliminarily believe that it may be appropriate to scale the figure by a factor of two to account for complexity in business structures and for the fact that major swap participants are likely to be similar to some of the larger investment advisors, which results in an estimate of up to approximately 184 (18.35 * 5 * 2 = 183.5) entities associated with major security-based swap market participants.

[160] We have also requested data from NFA. According to NFA staff, between October 11, 2012 and July 22, 2015, 11 applications had been made by Swap Entities to NFA for NFA to provide notice to the Swap Entity that, had the person applied for registration as an associated person, NFA would have granted such registration. *See* CFTC Staff No-Action Letter, *supra* Note 49, at 5–8. The Commission has estimated that up to 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

information provided by FINRA to the Commission, in 2014 FINRA received 24 MC–400 applications for individuals subject to a statutory disqualification seeking relief under the FINRA Rule 9520 Series. Of these applications, 13 were for investment-related disqualification, 10 were non-investment-related, and one was for both investment and non-investment disqualifications. Further, in 2014, FINRA received an additional 10 MC–400A applications for statutorily disqualified member firms under Rule 9520 Series. Of the MC–400A applications received by FINRA, nine were related to the entity, while one was due to an owner/control person of the member firm being disqualified (all with investment-related trigger events).

The Commission preliminarily believes that the incidence of statutory disqualification among broker-dealers serves as a reasonable basis to estimate the incidence of disqualification among SBS Entities, because both broker-dealers and SBS Entities are engaged in the business of intermediating trade in financial instruments. As described above, in 2014 FINRA received 24 applications for individuals and 10 applications for member firms, out of approximately 272,000 registered representatives and 4,000 currently registered broker-dealers. We estimate that 55 entities will register with the Commission as SBS Entities, with an estimated 21,465 associated natural persons and 868 associated person entities. Assuming the number of applications for association with statutorily disqualified persons at SBS Entities is the same as at broker-dealers results in an estimate of approximately two applications for natural persons and one application for entities per year.[161] Recognizing that this is an estimate, we preliminarily believe it is reasonable to estimate that the Commission will receive up to five applications per year with respect to natural persons and up to two applications per year with respect to entities.[162]

3. Existing Regulatory Frameworks

As reflected in Section II.B, the Commission, CFTC, FINRA, and NFA have already established processes that enable various persons subject to a statutory disqualification or other bars to be permitted to associate with regulated entities transacting in equity, bond, commodity, swap, and other markets. The numerous financial markets are integrated, often attracting the same market participants that trade across corporate bond, swap, and security-based swap markets, among others. The Commission has elsewhere estimated that approximately thirty-five entities currently registered with the CFTC as Swap Entities are expected to have sufficiently large security-based swap transaction volume or positions to require registration with the Commission as SBS Entities. We further estimated that sixteen market participants expected to register as SBS Entities have already registered with the Commission as broker-dealers [163] and, therefore, are subject to oversight by FINRA or a national securities exchange. In total, all but four entities that the Commission has estimated as potential registered SBS Entities are expected to be subject to regulatory oversight from the CFTC, FINRA, or a national securities exchange.[164] Therefore, we preliminarily expect SBS Entities to associate with persons effecting or involved in effecting transactions across the various markets overseen by the CFTC, FINRA and NFA.

More broadly, swaps and security-based swaps enable market participants to trade on the risks of underlying reference securities, and these markets are integrated. As a result of cross-market participation, informational efficiency, pricing and liquidity in swaps and security-based swaps markets may influence reference security markets, and vice versa.[165]

D. Benefits, Costs, and Effects on Efficiency, Competition, and Capital Formation

Exchange Act Section 15F(b)(6) provides the Commission with the authority to provide relief from the prohibition against using associated natural persons subject to a statutory disqualification to effect security-based swaps.[166] As discussed above, clarity provided by the proposed rule regarding the materials to be submitted, the items to be considered, and the standard of review, which may alter an SBS Entity's assessment of (1) the application costs and reputational costs that come with choosing to associate with disqualified persons, and (2) their beliefs as to the likelihood of an approval or denial decision by the Commission. To the extent that any such alteration leads to greater or fewer applications for relief under Rule of Practice 194 relative to the baseline with no process rule in place, economic costs and benefits may accrue to SBS Entities, associated persons, and counterparties to SBS Entities.

Broadly, limiting the involvement of statutorily disqualified persons in security-based swap markets on behalf of SBS Entities mitigates compliance and counterparty risks arising from disqualification and may facilitate competition among higher quality SBS Entities, better supervision and integrity of security-based swap markets. However, limits on disqualified persons may require SBS Entities to undergo business restructuring in the event of disqualification or to apply with the Commission for relief, the costs of which may be passed on to counterparties. Below we discuss this economic tradeoff as it pertains to individual rule provisions and alternatives being considered.

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the above data from 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 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.

[161] For natural persons: 21,465 * (24/272,000) = 1.89. For entities: 868 * (10/4000) = 2.18.

[162] Notably, paragraph (j) of proposed Rule of Practice 194 provides that an SBS Entity may permit, subject to certain circumstances, statutorily disqualified associated persons to effect or be involved in effecting security-based swaps on behalf of the SBS Entity where the Commission, CFTC, an SRO or a registered futures association has granted a prior application or otherwise granted relief from a statutory disqualification with respect to the associated person. *See* Section II.C.9, *supra.* As a result, to the extent that SBS Entities are using the same personnel to effect security-based swaps, swaps, and transact in underlying securities, the number of applications the Commission receives may be lower.

We also note that registered broker-dealers retain the option of complying with statutory disqualification provisions by disassociating with or reassigning disqualified persons. As a result, many instances of disqualification may resolve through disassociation or reassignment. Registered entities would likely take advantage of the provision only when the benefits of associating with a disqualified person outweigh the costs, including reputational costs, of making an application.

[163] *See* Registration Adopting Release, at Section IV.C.

[164] *Id.*

[165] *See, e.g.,* M. 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.

[166] 15 U.S.C. 78o–10(b)(6).

We estimate that the Commission will receive seven or fewer applications under proposed Rule of Practice 194 per year (with respect to both associated persons that are natural persons and entities), and we preliminarily believe that SBS Entities may be able to easily reassign or disassociate from disqualified natural persons for the purposes of effecting security-based swaps on behalf of SBS Entities. Therefore, we preliminarily believe the overall economic impact of the proposed rule will depend on how many associated person entities of SBS Entities become disqualified after the compliance date of final registration rules, the relative market share and structure of bilateral relationships of affected SBS Entities, and the response of other SBS Entities and market participants. We are mindful of the economic tradeoffs inherent in our policy choices and their impact on the securities markets. We discuss these economic effects in more detail below.

1. Anticipated Benefits

a. Benefits to SBS Entities

Proposed Rule of Practice 194 establishes a structured process that provides SBS Entities clarity and guidelines on the form of application, the items to be considered, and the standard of review. Furthermore, the proposed rule ensures that the Commission will have sufficient information to make a meaningful determination that providing relief for an associated person is consistent with the public interest.

Under the baseline scenario, absent proposed Rule of Practice 194, SBS Entities would still be able to apply to the Commission, and the Commission would still be able to exercise its authority to grant relief.[167] Therefore, the proposed process does not affect the set of options available to either SBS Entities or the Commission, nor does it affect the range of possible outcomes. However, a key benefit of proposed Rule of Practice 194 is that, by articulating the materials to be submitted, the items to be considered, and the standard of review, it provides a structured process to SBS Entities, as well as clarity about the process.

Absent proposed Rule of Practice 194, we preliminarily believe that SBS Entities seeking to apply for relief from Section 15F(b)(6) may apply to the Commission directly, outside of a formal process, possibly looking to either Rule of Practice 193 [168] or an analogous process as a guide.[169] However, we also believe that such applications, due to the lack of clarity, would be more time-consuming, and would be more prone to errors or more likely to be deemed to contain insufficient information to allow the Commission to make a determination. Under proposed Rule of Practice 194, SBS Entities should generally be aware of the information they are required to provide, as well as the standard of review. We also believe that clarity about the items that the Commission will consider in making a determination, while not altering the set of possible outcomes, will allow SBS Entities to make more-informed assessments as to the likelihood that the Commission will either grant or deny relief. Thus, proposed Rule of Practice 194 may conserve resources and may allow SBS Entities to make more-informed evaluations about the tradeoff between pursuing an application and either disassociating with or, in the case of natural persons, reassigning a person subject to a statutory disqualification.

Finally, paragraph (j) of proposed Rule of Practice 194 provides relief in cases where the Commission, the CFTC, an SRO, or a registered futures association has granted a prior application or otherwise granted relief from a statutory disqualification with respect to that associated person. To the extent that SBS Entities, Swap Entities, and broker-dealers use the same personnel or entities to effect security-based swaps, swaps, and securities transactions, this proposed rule may conserve resources in the sense that SBS Entities will not have to undergo duplicate review when decisions about relief from statutory disqualifications have already been made by the Commission or another regulatory authority. These benefits are discussed in greater detail in Section V.D.1.c below.[170]

b. Benefits to Counterparties of SBS Entities

As stated in Section II.C.7 above, orders issued in accordance with Rule of Practice 194 would be made publicly available. Further, for SBS Entities to be able to avail themselves of the temporary exclusion set forth in proposed paragraphs (i)(1)(ii) and (i)(1)(iii), applications related to disqualified associated entities would have to include a notice, which would be publicly disseminated by the Commission. The notice would set forth the name of the SBS Entity and the name of the associated person that is subject to a statutory disqualification, and attach as an exhibit to the notice a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification. Publicly available and publicly disseminated information regarding applications under proposed Rule of Practice 194 would provide market participants with information they may find useful in assessing their counterparties. In particular, market participants may use knowledge about whether an SBS Entity has applied for relief and/or whether an SBS Entity currently employs or associates with disqualified persons to effect security-based swaps when choosing counterparties. In general, such information may be valued by market participants when selecting counterparties, if they believe such knowledge is informative about the quality of a counterparty.

In addition, we note that this information may be useful to other SBS Entities. In particular, publicly available information regarding the outcome of Rule of Practice 194 applications may inform other SBS Entities' assessments of the likelihood that the Commission would grant relief in particular circumstances. For example, SBS Entities could look to outcomes in applications where disqualifications were for similar reasons; such information may be useful in determining whether it is cost effective to seek relief.

c. Benefits of the Commission, CFTC, SRO, Registered Futures Association Provision

Beyond establishing a process for submitting applications, proposed Rule of Practice 194 allows an SBS Entity, subject to certain conditions, to permit an associated person that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the SBS Entity without making an application to the Commission, if the associated person's membership, association, registration or listing as a principal has been granted or otherwise approved by the Commission, CFTC, an SRO or a registered futures association.[171] In such cases where an SBS Entity meets the

[167] *See* 15 U.S.C. 78o–10(b)(6); *see also* Section V.C, *supra.*

[168] 17 CFR 201.193.

[169] *See* Section II.0, *supra.*

[170] We note that under paragraph (j) associated persons may be permitted to effect or be involved in effecting security-based swaps on behalf of SBS Entities where the Commission would not have made an individualized positive determination in the context of such person effecting or being involved in effecting security-based swap transactions. These potential effects are discussed in Section V.D.2.b below.

[171] *See* proposed Rule of Practice 194(j); *see also* Section II.C.9, *supra.*

requirements of proposed paragraph (j), these SBS Entities would be able to provide notice to the Commission in lieu of having to compile the same information and documentation for a repeated review, thereby eliminating redundancy and decreasing SBS Entity costs.

The proposed rule concerning associated persons previously granted relief by the Commission, CFTC, an SRO or a registered futures association provides SBS Entities with flexibility in hiring and assigning employees, and associating with entities, depending on business needs and required capabilities. Specifically, this provision would benefit SBS Entities transacting across markets through disqualified associated persons previously granted relief by the Commission, CFTC, NFA or FINRA, by enabling them to avoid costs of a separate application process under proposed Rule of Practice 194 or business restructuring. We also recognize that this provision reduces costs to SBS Entities from associating with disqualified persons previously granted relief by the Commission, CFTC, NFA or FINRA, so it may benefit these persons by potentially improving their employment options and business outcomes.

d. Benefits of the Temporary Exclusion

The temporary exclusion pending decision by the Commission, the CFTC, an SRO or a registered futures association with respect to an associated person entity [172] prevents potentially unnecessary business restructuring or business disruption costs for SBS Entities that are affiliated with disqualified entities but have not yet received a decision on their application. Under this provision, provided that the conditions in proposed paragraph (i) are met, SBS Entities would not have to comply with the statutory prohibition in Exchange Act Section 15F(b)(6) with respect to associated person entities while an application before the Commission, the CFTC, an SRO or a registered futures association is pending. If the Commission, the CFTC, an SRO or a registered futures association does not render a decision on the application within 180 days, an SBS Entity will have 60 days to disassociate or otherwise restructure their business such that the disqualified associated person entity is not effecting or involved in effecting security-based swaps on behalf of the SBS Entity.[173] In cases where the CFTC, an SRO or registered futures association makes an adverse decision on a pending application, an SBS Entity will have 60 days to conform with the general statutory prohibition, whereas for applications under Rule of Practice 194 denied by the Commission, a conformance period may be provided by order as necessary and appropriate.[174]

The time-limited nature of the temporary exclusion pending review [175] may introduce uncertainty concerning the eventual need to restructure before the Commission, the CFTC, an SRO or registered futures association has rendered a decision on the application. To the extent that the process under proposed Rule of Practice 194 provides benefits to SBS Entities and their counterparties by not requiring them to incur the costs of restructuring and complying with the statutory prohibition in Exchange Act Section 15F(b)(6) until they have received certainty on their application, the time-limited nature of the temporary exclusion pending review may reduce these benefits.

We highlight that, as discussed in the Registration Adopting Release, inter-dealer transactions account for greater than 60% of single-name CDS transactions.[176] The high level of inter-dealer trading activity reflects the central position of a small number of dealers, each of which may intermediate trades between many hundreds of counterparties. In the absence of a temporary exclusion pending application review, some SBS Entities may have to bear costs of restructuring or disassociating from disqualified entities. Given the small number of dealers, as well as the potential reach of dealers to hundreds of counterparties, this may increase transaction costs for counterparties should disruptions to existing bilateral relationships occur. The temporary exclusion,[177] as well as the 60-day conformance period [178] and the possibility of an extension of temporary exclusion by Commission order in cases where review applications are denied,[179] may mitigate these effects.

At the same time, without the temporary exclusion, other SBS Entities are likely to step in and intermediate the trades. The potential benefits of the temporary exclusion for market quality and competition, therefore, depend on the relative importance of existing bilateral relationships and on which SBS Entities would increase their participation, if some SBS Entities are temporarily unable to intermediate swaps due to statutory disqualification absent the temporary exclusion.

It is important to note that the temporary exclusion will not apply to associated person entities with respect to which the Commission has otherwise ordered, or with respect to which the Commission, CFTC, an SRO or registered futures association has previously denied an application.[180] Temporarily excluding such associated person entities from the statutory prohibition in Exchange Act Section 15F(b)(6), and allowing SBS Entities to permit associated person entities to effect or be involved in effecting security-based swaps pending review may pose significant counterparty and compliance risks. However, we recognize that this aspect of the proposed rule mitigates the potential benefits described above.

We further note that the proposed temporary exclusion covers applications regarding associated person entities only, and excludes applications regarding associated persons that are natural persons. As a practical matter, an SBS Entity may be able to reassign or disassociate from a statutorily disqualified natural person effecting or involved in effecting security-based swaps, whereas disassociating from statutorily disqualified entities may require more costly restructuring.

2. Anticipated Costs

a. Application Costs

Based on the Commission's experience with similar applications, the Commission preliminarily estimates that the average time necessary for an SBS Entity to research the questions, and complete and file an application under Rule of Practice 194 would be approximately 40 hours for applications regarding entities, and 30 hours for applications regarding natural persons.[181] Furthermore, the Commission preliminarily estimates that SBS Entities would make fewer than seven applications on an average annual basis.[182] Based on those figures, the Commission estimates the economic costs to prepare, review, and submit applications under proposed Rule of Practice 194 to be less than $95,380 per

[172] *See* proposed Rule of Practice 194(i); *see also* Section II.C.8, *supra.*

[173] *See* proposed Rule of Practice 194(i)(1)(ii), (iii).

[174] *See* proposed Rule of Practice 194(i)(1)(iii).

[175] *See* proposed Rule of Practice 194(i)(1)(ii).

[176] *See* Registration Adopting Release, at Section V.C.1.ii.

[177] *See* proposed Rule of Practice 194(i)(1).

[178] *See* proposed Rule of Practice 194(i)(1)(ii), (iii).

[179] *See* proposed Rule of Practice 194(i)(3).

[180] *See* proposed Rule of Practice 194(i)(1).

[181] *See* Section IV.D, *supra.*

[182] *See id.*

year.[183] The Commission seeks comment on the reasonableness and accuracy of these estimates.

Notably, an SBS Entity would only submit such applications where the SBS Entity believed that the economic value of retaining a particular person to effect security-based swaps or continuing association with a statutorily disqualified entity outweighed the application costs associated with proposed Rule of Practice 194. In other words, any application costs would be incurred by SBS Entities on a voluntary basis. Furthermore, the decision to incur application costs would also reflect an SBS Entity's assessment of the likelihood of the Commission granting relief under the public interest standard set forth in proposed Rule of Practice 194(b).

We also note that, under the baseline, an SBS Entity would not be precluded under Exchange Act Section 15F(b)(6) from seeking Commission relief.[184] However, as already discussed, SBS Entities would lack clarity about the application process and, though they may look to Rule of Practice 193 or similar processes as a guide, could potentially expend more resources than necessary due to process uncertainty. Thus, notwithstanding the cost estimates above, the proposed rule may mitigate application costs relative to the baseline due to the structured process. We expect that this cost mitigation would be most significant for SBS Entities that would be among the first to seek relief; SBS Entities seeking relief later would have the benefit of learning by observing the process experienced by first-movers.

b. Costs of the Commission, CFTC, SRO, Registered Futures Association Provision

Exchange Act Rule 19h–1 provides for Commission review of notices filed by SROs proposing to admit any person to, or continue any person in, membership or association with a member, notwithstanding statutory disqualification.[185] The Commission does not review or approve statutory disqualification decisions of NFA or CFTC. As a result, associated persons may be able to transact in security-based swap markets on behalf of SBS Entities where the Commission would not have made a determination on an individualized basis that it is consistent with the public interest to permit them to do so had these persons been reviewed independently by the Commission. Since this provision would result in a potentially greater number of disqualified associated persons being permitted to effect or be involved in effecting security-based swaps on behalf of SBS Entities, it may increase compliance and counterparty risks, but may decrease costs of business restructuring by affected SBS Entities, as discussed in section V.D.

c. Costs of the Temporary Exclusion

The temporary exclusion pending decision by the Commission, the CFTC, an SRO or a registered futures association[186] is designed to mitigate SBS Entity costs of reassigning or disassociating from statutorily disqualified associated person entities during the review process. However, the provision allows associated person entities to continue to effect or be involved in effecting security-based swaps on behalf of an SBS Entity after conduct that triggered statutory disqualification and before the Commission, the CFTC, an SRO or a registered futures association has made an individualized favorable determination. Statutory disqualification triggers may point to risks of repeated misconduct or compliance shortcomings, and a review by the Commission, the CFTC, an SRO or a registered futures association may result in a determination that permitting such associations is not consistent with the public interest. In these instances, statutorily disqualified associated person entities would have been effecting or involved in effecting security-based swaps on behalf of SBS Entities, raising counterparty risks during the review process as a result of the temporary exclusion. We note that if the Commission, the CFTC, an SRO or a registered futures association does not render a decision within 180 days, the temporary exclusion expires and SBS Entities will have 60 days to conform with the general statutory prohibition.[187] The time-limited nature of the exclusion pending review partially mitigates the potential risks to counterparties from disqualified entities effecting or being involved in effecting security-based swaps on behalf of SBS Entities before the Commission renders a decision on the application.

Finally, if the CFTC, an SRO or a registered futures association renders an adverse decision with respect to an entity that is an associated person an SBS Entity, SBS Entities will have 60 days to conform with the general statutory prohibition.[188] In cases where the Commission has made a determination that allowing an SBS Entity to permit an associated person entity that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps is not consistent with the public interest, the Commission may provide an extension to the temporary exclusion by order.[189] Associated person entities that are subject to a statutory disqualification would be able to effect or be involved in effecting security-based swaps on behalf of SBS Entities where the Commission, the CFTC, an SRO or NFA have made an adverse determination based on the assessment of the facts and circumstances of the application, which may pose risks to counterparties. However, these provisions provide time for SBS Entities to restructure and comply with the statutory prohibition in Exchange Act Section 15F(b)(6) after disposition of the application. Further, with respect to the temporary exclusion pending review by the Commission, in cases where an application has been disapproved, the Commission will only provide an extension to the temporary exclusion where it deems doing so is necessary or appropriate.[190]

d. Additional Costs

As we noted above, under proposed Rule of Practice 194, the Commission will make public orders either approving or denying an application under the rule.[191] We note that SBS Entities may prefer for such information to remain private if they believe that counterparties will use this information as a signal of quality. Therefore, the reputational costs associated with going through the process and potentially associating with statutorily disqualified persons may discourage some SBS Entities from applying for relief under the proposed rule; such SBS Entities may instead choose to disassociate with disqualified persons or reassign them (in the case of natural persons) to responsibilities that do not involve

[183] This estimate is based on the following. Total burden hours = [(40 hours) × (2 SBS Entities applying with respect to associated persons that are entities) + (30 hours) × (5 SBS Entities applying with respect to associated persons that are natural persons) + (3 hours) × (7 SBS Entities filing notices]. Attorney at $380 per hour × 251 burden hours = $95,380. The hourly cost figure is based upon data from SIFMA's *Management & Professional Earnings in the Securities Industry 2013* (modified by the Commission 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).

[184] *See* Section V.C, *supra.*

[185] 17 CFR 240.19h–1.

[186] *See* proposed Rule of Practice 194(i).

[187] *See* proposed Rule of Practice 194(i)(1)(ii), (iii).

[188] *See* proposed Rule of Practice 194(i)(1)(iii).

[189] *See* proposed Rule of Practice 194(i)(3).

[190] *See id.*

[191] *See* Section II.C.7, *supra.*

effecting or being involved in effecting security-based swaps.

Disassociation itself may be costly, particularly for SBS Entities associated with a statutorily disqualified entity that is responsible for a large share of security-based swap business. In considering disassociation, an SBS Entity will weigh reputational costs against the cost of disassociation. For disqualified natural persons, such costs include the cost to an SBS Entity of replacing an employee (or other associated person), and will depend on the scarcity and value of a particular person's skills. For statutorily disqualified associated person entities, such costs may include the cost of eliminating or restructuring an entire business line.

3. Effects on Efficiency, Competition, and Capital Formation

The Commission has preliminarily assessed the effects arising from proposed Rule of Practice 194 on efficiency, competition, and capital formation. As noted above, limiting the ability of statutorily disqualified persons to effect security-based swaps on behalf of SBS Entities may mitigate compliance and counterparty risks and may facilitate competition among higher quality SBS Entities, enhancing integrity of security-based swap markets. At the same time, limits on disqualified person participation in security-based swap markets may involve costly business restructuring or costs of applying to the Commission for relief. As with the other economic effects already discussed, effects on efficiency, competition, and capital formation flow primarily from how the rule alters an SBS Entity's evaluation of the tradeoff between the value of an associated person's skill and expertise in effecting security-based swaps against the costs of applying for relief, and how the rule alters an SBS Entity's ultimate decision to seek relief.

As noted above, by providing a structured process and clarity as to the standard of review, proposed Rule of Practice 194 may conserve resources relative to the baseline for SBS Entities applying for relief under Section 15F(b)(6), and therefore create a more efficient process for SBS Entities that choose to apply. To the extent that the savings resulting from the proposed rule may encourage more SBS Entities to apply for relief, especially in the case of associated person entities, a greater number of SBS Entities may be able to effect security-based swaps without potentially costly business restructuring.

SBS Entities incur reputational and application costs of permitting statutorily disqualified persons to effect or be involved in effecting security-based swaps, and weigh these costs against the level and substitutability of disqualified persons' skills and expertise. Should more SBS Entities apply for relief, a greater number of disqualified persons may seek employment and business opportunities in security-based swap markets. However, persons eligible to rely on paragraph (j) to proposed Rule of Practice 194, regarding disqualifications already reviewed by the Commission, the CFTC, an SRO or a registered futures association, may enjoy a competitive advantage over persons not eligible for the same treatment. Because SBS Entities would not need to expend resources filing an application, they may prefer associating with persons who can rely on proposed Rule of Practice 194(j) over their disqualified counterparts. If SBS Entities exhibit a preference for persons that can take advantage of proposed Rule of Practice 194(j), it could create competitive disparities among associated persons.

A temporary exclusion pending review by the Commission, the CFTC, an SRO or a registered futures association, set forth in paragraph (i) to proposed Rule of Practice 194, would enable SBS Entities to continue their security-based swap market participation without incurring the costs of reassigning or disassociating from disqualified persons. As a result, SBS Entities associating with entities that become subject to a statutory disqualification can continue dealing in security-based swaps without incurring costs of business restructuring until the disposition of the application.[192] SBS Entities that begin to associate with statutorily disqualified entities would be eligible for the same temporary relief, conditional on timeliness of the application. If the Commission denies the application under proposed Rule of Practice 194 related to an associated person entity that is subject to a statutory disqualification, the Commission may by order grant a temporary extension of the exclusion to enable the SBS Entity to become compliant with the statutory prohibition in Exchange Act Section 15F(b)(6).[193] Broadly, this temporary exclusion may lower costs to SBS Entities of associating or beginning to associate with statutorily disqualified entities.

The overall effects of the temporary exclusion from the general statutory prohibition pending review are unclear. On the one hand, it may serve to mitigate potential disruptions should associated entities of a number of SBS Entities become disqualified, leading some SBS Entities to temporarily cease dealing activity pending Commission, CFTC, an SRO or registered futures association review, or to effect business restructuring. At the same time, the presence and magnitude of the potential market disruption is unclear, since other SBS Entities are likely to begin competing for the newly opened market share. The overall effects of this provision on security-based swap market quality and competition depend primarily on whether and which SBS Entities are able to win the newly opened market share in such cases.

Clarity about the items that the Commission will consider in making determinations may allow SBS Entities to make informed assessments about whether a particular application is likely to be approved or denied. Increased certainty about the process may, in turn, alter an SBS Entity's evaluation of its own cost-benefit tradeoff in determining whether to file an application for relief, enabling the entity to more efficiently expend resources.

Finally, while security-based swaps are important financial instruments that may facilitate the capital formation process, we preliminarily believe that the impact of proposed Rule of Practice 194 on capital formation will be *de minimis.* Given that nothing about the statute precludes either SBS Entities from seeking relief or the Commission from granting relief in the absence of a rule, and given the low expected incidence of statutory disqualification among natural persons associated with SBS Entities, we do not believe the rule will materially affect the ability of either issuers to raise capital or financial intermediaries to hedge their investments with issuers. Therefore, we do not expect the rule to have a material effect on capital formation, either positively or negatively.

E. Rule Alternatives

In addition to proposed Rule of Practice 194, the Commission has considered five primary alternative

[192] We note that with respect to applications for Commission review the proposed temporary exclusion is time limited. If the Commission has not rendered a decision within 180 days of filing a completed application under the Proposed Rule of Practice 194, SBS Entities will have 60 days to become in compliance with the general statutory prohibition. *See* proposed Rule of Practice 194(i)(1)(ii). If the Commission approves the application after the temporary exclusion has expired, SBS Entities will again be able to permit the disqualified associated entity to effect or be involved in effecting security-based swaps on their behalf.

[193] *See* proposed Rule of Practice 194(i)(3).

approaches. We discuss these approaches below.

1. Relief for All Entities From Exchange Act Section 15F(b)(6)

The Commission has considered blanket relief from the general prohibition in Exchange Act Section 15F(b)(6) with respect to all associated person entities. Under this alternative, SBS Entities cross-registered as Swap Entities with the CFTC would experience potential economies of scope in associating with persons that are entities. Further, SBS Entities will avoid all costs of business restructuring if associated person entities become statutorily disqualified, or in the event of new associations with statutorily disqualified associated person entities effecting or involved in effecting security-based swaps on their behalf.

Relative to the proposed temporary exclusion approach, SBS Entities would be less constrained by the general statutory prohibition and would be able to associate with any and all disqualified entity persons in any capacity without applying for relief under Exchange Act Section 15F(b)(6) or under Rule of Practice 194. Further, the uniform entity exemption approach gives SBS Entities certainty about their ability to permit disqualified entity persons to effect or be involved in effecting security-based swaps, whereas the proposed temporary exclusion expires after 180 days, and SBS Entities have 60 days to conform to the general statutory prohibition if the Commission, the CFTC, an SRO or a registered futures association does not render a decision on the application within that timeframe.

At the same time, the counterparty and compliance risks under the uniform entity exemption approach may be greater than those under the proposed approach. If the Commission excludes all disqualified associated entities from the scope of the general statutory prohibition, the Commission would be unable to make an individualized determination under proposed Rule of Practice 194 about whether permitting an associated person entity that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of an SBS Entity is consistent with the public interest.[194] Further, statutory disqualification and an inability to continue associating with SBS Entities may create 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.

The overall effects of this alternative on security-based swap markets are unclear. Under this alternative, disqualified persons would not undergo substantive review and all disqualified entity persons would be able to effect or be involved in effecting security-based swaps on behalf of SBS Entities, which may increase counterparty and compliance risks. However, SBS Entities associating with disqualified persons would not have to undergo business restructuring, the costs of which may flow through to counterparties, further mitigating the risk of disruptions.

2. A Modified Temporary Exclusion

The Commission could adopt a modified temporary exclusion, where if the Commission does not render a decision within 180 days the application would be considered granted. This alternative would effectively default to relief from the statutory prohibition for applications for Commission review, since SBS Entities would be able to permit disqualified associated entities to effect or be involved in effecting security-based swaps on their behalf, unless the Commission makes an individualized determination that it is not consistent with the public interest to enable them to do so within 180 days of the application being filed. This may benefit SBS Entities by lowering uncertainty about the need to restructure the business and disassociate from the disqualified entity person. However, it may lead some applications to be considered granted before the Commission is able to perform an individualized assessment of the facts of each case, particularly in complex cases that may require an extensive review. These modifications may benefit SBS Entities, but may allow some disqualified associated entities to be able to effect or be involved in effecting security-based swaps on behalf of SBS Entities where the Commission would not have deemed it consistent with the public interest to permit them to do so.

3. Relief for Non-Investment-Related Offenses

The Commission could also adopt the approach of automatically excepting SBS Entities that associate with statutorily disqualified persons if the matters that triggered the statutory disqualification were non-investment-related, while requiring SBS Entities to apply for relief under the proposed rules for investment-related statutory disqualifications.[195] Such an approach would eliminate restructuring or application costs for SBS Entities associating with statutorily disqualified persons when statutory disqualification arises out of non-investment related offenses, which may increase competition among SBS Entity associated persons and attract new natural persons into the SBS Entity labor market. SBS Entities associating with persons statutorily disqualified for investment-related offenses would have to bear costs of disassociating or applying for relief and would have to compete with a greater number of SBS Entities that do not have to apply for relief.

Statutory disqualification and the potential inability to deal in various markets may present an incentive against misconduct, including non-investment-related misconduct. This alternative would also lower the information benefits of reviewing applications and supporting materials, including information concerning supervisory structure, terms of employment and other items, which will inform Commission understanding of SBS Entity associations and ongoing oversight. Finally, some statutory disqualification triggers that may not fall in the ''investment related offense'' category (*e.g.,* thefts) may point to a higher risk of future misconduct, including violations of securities laws, federal rules and regulations thereunder. Uniformly excepting such statutorily disqualified associated persons without an opportunity for the Commission to review the circumstances of each case and to make a determination that allowing SBS Entities to permit them to effect security-based swaps is consistent with the public interest may pose risks to counterparties and security-based swap markets.

4. No Relief for CFTC, SRO, Registered Futures Association Review

The proposed rules allow SBS Entities to permit statutorily disqualified persons to effect or be involved in

[194] However, the Commission could, by order, censure, place limitations on the activities or functions of the associated person, or suspend or bar such person from being associated with an SBS Entity. *See* 15 U.S.C. 78o–10(l)(3) and Note 98, *supra.*

[195] As discussed in the baseline, in a somewhat analogous scenario for broker dealers, 10 out of 24, or approximately 42% of MC–400 applications for relief for individuals received by FINRA in 2014 were for exclusively non-investment-related disqualifications. Over a 5 year period between 2010 and 2014, 2 out of 5 re-offenses by individuals were not investment-related (177 MC–400 applications have been received over the same time period). Reoffenses include subsequent regulatory actions and criminal offense convictions after previous approvals to associate pursuant to Rule 19h–1, 17 CFR 240.19h–1.

effecting security-based swaps on their behalf without an application to the Commission, if the associated person's membership, association, registration or listing as a principal has been granted or otherwise approved by the CFTC, an SRO or a registered futures association. The proposed approach also provides a time limited temporary exclusion for disqualified associated entities while their application before the CFTC, an SRO or a registered futures association is pending; the proposed exclusion expires 180 days after the filing of an application or initiation of a similar process, after which point SBS Entities have 60 days to conform with the general statutory prohibition. The Commission could adopt an alternative approach, under which such disqualified associated persons would not be automatically permitted to effect or be involved in effecting security-based swaps on behalf of SBS Entities, and would have to apply directly for a substantive review by the Commission under Rule of Practice 194. The temporary exclusion pending Commission review would apply as proposed.

This alternative approach would allow the Commission to review the facts and circumstances of each case and make an individualized public interest determination with respect to each disqualified associated person concerning whether they should be permitted to effect or be involved in effecting security-based swaps on behalf of SBS Entities, and under which conditions. If fewer SBS Entities choose to go through a separate review by the Commission, this alternative may result in a smaller number of disqualified associated persons effecting or involved in effecting security-based swaps. To the extent that statutory disqualification and terms and conditions of reassociation may indicate compliance and counterparty risks, this may improve compliance and counterparty protections for security-based swap market participants.

However, this alternative may increase costs for SBS Entities. Specifically, this alternative would require SBS Entities to incur the application costs under Rule of Practice 194 with respect to associated persons that have already been approved by the CFTC, SRO or a registered futures association, or costs of restructuring the business or disassociating from such persons altogether. If the application is denied, SBS Entities would need to restructure the business or disassociate from the associated person. In addition, in light of the high degree of integration among swap and security-based swap markets and expected cross-registration, many SBS Entities are expected to transact across swap, security-based swap and reference security markets, and some SBS Entities may be relying on the same personnel and entities in effecting, for instance, single name and index CDS. This approach would limit SBS Entity flexibility in hiring and retaining disqualified associated persons where the SBS Entity believes the person's quality and expertise outweigh the reputational costs of associating with a disqualified person and where the CFTC, an SRO or a registered futures association has made a favorable finding with respect to the associated person.

The effects of this alternative on security-based swap markets will depend on the extent of reliance by SBS Entities on disqualified persons approved by the CFTC, an SRO or a registered futures association, magnitude of the above business restructuring costs, significance of bilateral counterparty relationships, and the severity of compliance and counterparty risks posed by disqualified associated persons. As discussed in earlier sections, we lack data or other information to quantify these effects with any degree of certainty.

5. No Relief for Entities From Exchange Act Section 15(F)(b)(6)

Lastly, the Commission could establish a uniform prohibition on associated person entities subject to statutory disqualification effecting or being involved in effecting security-based swaps on behalf of SBS Entities. Under this approach, all disqualified associated entities not covered by the exemption in final registration rules would be barred from intermediating security-based swaps on behalf of SBS Entities. To the extent that past disqualifications can point to higher compliance and counterparty risks, this alternative could potentially strengthen counterparty protections. Further, the inability to participate in various markets due to disqualification disincentivizes misconduct. Adopting this approach would strengthen these incentive effects, which may improve compliance with federal securities laws, rules and regulations.

However, barring all disqualified associated entities from effecting or being involved in effecting security-based swaps on behalf of SBS Entities would impose costs of business restructuring for a number of SBS Entities, which may in turn affect market quality. In the event of a disqualification after the compliance date of the final registration rules, SBS Entities would be required to cease intermediating security-based swaps and restructure their business to disassociate from all disqualified entities. If a number of entities associated with different SBS Entities become disqualified at the same time, a number of SBS Entities may become temporarily unable to effect security-based swaps due to disqualification. 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. If some of the central dealers are temporarily unable to effect security-based swaps, higher transaction costs or market disruptions may occur. However, we note that other SBS Entities may step in to pick up the market share. The overall economic effects will depend on: (i) The costs and the required length of time for business restructuring; (ii) which SBS Entities would be able to pick up the newly available market share; and (iii) the relative importance of bilateral relationships between SBS Entities and counterparties.

Lastly, this alternative may decrease the number of entities seeking to associate with SBS Entities since disqualified entity persons will no longer be able to effect or be involved in effecting security-based swaps. Such disqualified entities may seek to associate with security-based swap market participants that are not required to register (entities falling within the *de minimis* exception set forth in Exchange Act Rule 3a71–2 [196]).

The Commission is requesting comments regarding the economic analysis set forth here. To the extent possible, the Commission requests that market participants and other commenters provide supporting data and analysis with respect to the benefits, costs, and effects on competition, efficiency, and capital formation of adopting proposed Rule of Practice 194, or any reasonable alternatives.

Although the Commission is seeking comments on the economic analysis generally, the Commission is also soliciting comment on the following specific issues:

Q–53. Has the Commission accurately characterized the costs and benefits of proposed Rule of Practice 194? If not, why not? Should any of the costs or benefits be modified? What, if any, other costs or benefits should the Commission take into account?

[196] 17 CFR 240.3a–71–2.

Q–54. Has the Commission accurately characterized the effects on competition, efficiency, and capital formation arising from proposed Rule of Practice 194? If not, why not?

Q–55. Has the Commission reasonably estimated the application costs associated with proposed Rule of Practice 194? Has the Commission reasonably estimated the average number of applicants per year (with respect to both natural persons and entities)? Are there any other costs that the Commission should take into account regarding preparing, reviewing, and submitting an application under proposed Rule of Practice 194? If the application costs are too high, how specifically should the Commission modify proposed Rule of Practice 194 to reduce application costs?

Q–56. Is it a reasonable characterization that the effects of the rule on capital formation will be *de minimis*? If not, why not?

Q–57. Has the Commission accurately characterized the costs, benefits, and effects on competition, efficiency, and capital formation of the alternatives specified above? If not, why not? Should any of the costs or benefits be modified? What, if any, other costs or benefits should the Commission take into account?

Q–58. Are there other reasonable alternatives that the Commission should consider? What are the costs, benefits, and effects on competition, efficiency, and capital formation of any other alternatives?

VI. Regulatory Flexibility Act Certification

A. Regulatory Framework

The Regulatory Flexibility Act (''RFA'') [197] requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities. Section 603(a) [198] of the Administrative Procedure Act,[199] as amended by the RFA, generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on ''small entities.'' [200] Section 605(b) of the RFA provides that this requirement shall not apply to any proposed rule or proposed rule amendment, which if adopted, would not have a significant economic impact on a substantial number of small entities.[201]

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,[202] 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,[203] 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.[204]

Under the standards adopted by the Small Business Administration, small entities in the finance and insurance industry include the following:

(i) For entities engaged in certain credit intermediation and related activities, entities with $550 million or less in assets; [205]

(ii) for entities engaged in non-depository credit intermediation and certain other activities, entities with $38.5 million or less in annual receipts; [206]

(iii) for entities engaged in financial investments and related activities, entities with $38.5 million or less in annual receipts; [207]

(iv) for insurance carriers and entities engaged in related activities, entities with $38.5 million or less in annual receipts, or 1,500 employees for direct property and casualty insurance carriers; [208] and

(v) for funds, trusts, and other financial vehicles, entities with $32.5 million or less in annual receipts.[209]

SBA definitions of small businesses apply to a firm's parent company and all affiliates as a single entity.[210]

B. Assessment of Impact

Proposed Rule of Practice 194 would, if adopted, establish rules concerning an application by SBS Entity to the Commission for an order permitting an associated person that is a natural person and that is subject to a statutorily disqualification to effect or be involved in effecting security-based swaps on behalf of an SBS Entity. 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 swap—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 a ''major security-based swap participant'' would not be ''small entities'' for purposes of the RFA.[211]

C. Certification and Request for Comment

For the foregoing reasons, the Commission certifies that the proposed Rule of Practice 194 would not, if adopted, have a significant economic impact on a substantial number of small entities for purposes of the RFA.

The Commission encourages written comments regarding this certification. The Commission requests that commenters describe the nature of any impact on small entities and provide supporting data to support the extent of the impact.

VII. Consideration of Impact on the Economy

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA'') [212] the Commission requests comment on the potential effect of proposed Rule of Practice 194 on the United States economy on an annual basis. The Commission also requests comment on any potential increases in costs or prices for consumers or individual industries, and any potential effect on competition, investment, or

[197] 5 U.S.C. 601 *et seq.*

[198] 5 U.S.C. 603(a).

[199] 5 U.S.C. 551 *et seq.*

[200] Although Section 601(b) of the RFA defines the term ''small entity,'' the statute permits the Commission to formulate is own definition. 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* Exchange Act Release No. 18451, 47 FR 5212 (Feb. 4, 1982).

[201] *See* 5 U.S.C. 605(b).

[202] *See* 17 CFR 240.0–10(a).

[203] *See* 17 CFR 240.17a–5(d).

[204] *See* 17 CFR 240.0–10(c).

[205] *See* 13 CFR 121.201 (Subsector 522).

[206] *See id.* at Subsector 522.

[207] *See id.* at Subsector 523.

[208] *See id.* at Subsector 524.

[209] *See id.* at Subsector 525.

[210] *See* 13 CFR 121.201 (''The number of employees or annual receipts indicates the maximum allowed for a concern *and its affiliates* to be considered small.'') (emphasis added); *see also* 13 CFR 121.103 (listing how SBA determines affiliation).

[211] *See* Cross-Border Adopting Release, 79 FR at 47368.

[212] Public Law 104–121, Tit. II, 110 Stat. 857 (1996).

innovation. Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VIII. Statutory Authority

The Commission is proposing Rule of Practice 194 pursuant to Exchange Act Section 15F(b)(4) and (6),[213] as added by Section 764(a) of the Dodd-Frank Act, and Exchange Act Section 23(a).[214]

In accordance with the foregoing, the Securities and Exchange Commission is proposing to amend Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 201—RULES OF PRACTICE

■ 1. The authority citation for subpart D is revised to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77h–1, 77j, 77s, 77u, 77sss, 77ttt, 78(c)(b), 78d–1, 78d–2, 78*l,* 78m, 78n, 78o(d), 78o–3, 78o–10(b)(6), 78s, 78u–2, 78u–3, 78v, 78w, 80a–8, 80a–9, 80a–37, 80a–38, 80a–39, 80a–40, 80a–41, 80a–44, 80b–3, 80b–9, 80b–11, 80b–12, 7202, 7215, and 7217.

■ 2. Add § 201.194 to subpart D to read as follows:

§ 201.194. 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.

A security-based swap dealer or major security-based swap participant making an application under this section should refer to Appendix A to § 201.194—Note Concerning 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.

(a) *Scope of rule.* Applications by a security-based swap dealer or major security-based swap participant for the Commission to permit an associated person (as provided in 15 U.S.C. 78c(a)(70)) to effect or be involved in effecting security-based swaps on behalf of a registered security-based swap dealer or major security-based swap participant, or to change the terms and conditions thereof, may be made pursuant to this section where the associated person is subject to a statutory disqualification and thereby prohibited from effecting or being involved in effecting security-based swaps on behalf of a security-based swap dealer or major security-based swap participant under Exchange Act Section 15F(b)(6) (15 U.S.C. 78o–10(b)(6)).

(b) *Required showing.* The applicant shall make a showing that it would be consistent with the public interest to permit the person associated with the security-based swap dealer or major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant.

(c) *Form of application—natural persons.* Each application with respect to an associated person that is a natural person that is subject to a statutory disqualification shall be supported by a written statement, signed by a knowledgeable person authorized by the security-based swap dealer or major security-based swap participant, which addresses the items set forth in paragraph (d) of this section. The application shall be filed pursuant to Rules of Practice 151, 152 and 153 (17 CFR 201.151, 201.152 and 201.153). Each application shall include as exhibits:

(1) A copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification;

(2) An undertaking by the applicant to notify promptly the Commission in writing if any information submitted in support of the application becomes materially false or misleading while the application is pending;

(3) A copy of the questionnaire or application for employment specified in 17 CFR 240.15Fb6–2(b), with respect to the associated person; and

(4) If the associated person has been the subject of any proceeding resulting in the imposition of disciplinary sanctions during the five years preceding the filing of the application or is the subject of a pending proceeding by the Commission, the Commodity Futures Trading Commission, any federal or state regulatory or law enforcement agency, registered futures association (as provided in 7 U.S.C. 21), foreign financial regulatory authority, registered national securities association, or any other self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)), or commodities exchange, or any court, the applicant should include a copy of any order, decision, or document issued by the court, agency, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or other relevant authority involved.

(d) *Written statement—natural persons.* The written statement required by paragraph (c) of this section shall address each of the following, to the extent applicable:

(1) The associated person's compliance with any order resulting in statutory disqualification, including whether the associated person has paid fines or penalties, disgorged monies, made restitution or paid any other monetary compensation required by any such order;

(2) The associated person's employment during the period subsequent to becoming subject to a statutory disqualification;

(3) The capacity or position in which the person subject to a statutory disqualification proposes to be associated with the security-based swap dealer or major security-based swap participant;

(4) The terms and conditions of employment and supervision to be exercised over such associated person and, where applicable, by such associated person;

(5) The qualifications, experience, and disciplinary history of the proposed supervisor(s) of the associated person;

(6) The compliance and disciplinary history, during the five years preceding the filing of the application, of the applicant;

(7) The names of any other associated persons at the applicant who have previously been subject to a statutory disqualification and whether they are to be supervised by the associated person;

(8) Any relevant courses, seminars, examinations or other actions completed by the associated person subsequent to becoming subject to a statutory disqualification to prepare for his or her participation in the security-based swap business;

(9) Notwithstanding the event resulting in statutory disqualification, the applicant should provide a detailed statement of why the associated person should be permitted to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, including what steps the associated person or applicant has taken, or will take, to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant in compliance with the applicable statutory and regulatory framework;

(10) Whether the associated person has been involved in any litigation during the five years preceding the filing of the application concerning investment or investment-related activities or whether there are any unsatisfied judgments outstanding

[213] 15 U.S.C. 78o–10(b)(4), (6).

[214] 15 U.S.C. 78w(a).

against the associated person concerning investment or investment-related activities, to the extent not otherwise covered by paragraph (d)(9) of this section. If so, the applicant should provide details regarding such litigation or unsatisfied judgments; and

(11) Any other information that the applicant believes to be material to the application.

(e) *Form of application—other persons.* Each application with respect to an associated person that is not a natural person and that is subject to a statutory disqualification shall be supported by a written statement, signed by a knowledgeable person authorized by the security-based swap dealer or major security-based swap participant, which addresses the items set forth in paragraph (f) of this section. The application shall be filed pursuant to Rules of Practice 151, 152 and 153 (17 CFR 201.151, 201.152 and 201.153). Each application shall include as exhibits:

(1) A copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification;

(2) An undertaking by the applicant to notify immediately the Commission in writing if any information submitted in support of the application becomes materially false or misleading while the application is pending;

(3) Organizational charts of the associated person, if available;

(4) Policies and procedures relating to the conduct resulting in the statutory disqualification that the associated person has in place to ensure compliance with the federal or state securities laws, the Commodity Exchange Act, the rules or regulations thereunder, or the rules of the Municipal Securities Rulemaking Board, or any self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)), or any foreign regulatory authority, as applicable;

(5) If the associated person has been the subject of any proceedings resulting in the imposition of disciplinary sanctions during the five years preceding the filing of the application or is the subject of a pending proceeding by the Commission, the Commodity Futures Trading Commission, any federal or state regulatory or law enforcement agency, registered futures association (as provided in 7 U.S.C. 21), foreign financial regulatory authority, registered national securities association, or any other self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)), or commodities exchange, or any court, the applicant should include a copy of any order, decision, or document issued by the court, agency, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or other relevant authority involved, if available; and

(6) The names of any natural persons employed by the associated person that are subject to a statutory disqualification and that would effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant. For any such natural person, the applicant should indicate if the individual is an officer, partner, direct or indirect owner of the associated person.

(f) *Written statement—other persons.* The written statement required by paragraph (e) of this section shall address each of the following, to the extent applicable:

(1) General background information about the associated person, including number of employees; number and location of offices; the type(s) of business(es) in which the associated person is engaged; and self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) memberships of the associated person and the effective dates of membership, if applicable;

(2) The associated person's compliance with any order resulting in a statutory disqualification, including whether the associated person has paid fines or penalties, disgorged monies, made restitution or paid any other monetary compensation required by any such order;

(3) The capacity or position in which the person subject to a statutory disqualification proposes to be associated with the security-based swap dealer or major security-based swap participant;

(4) A description of whether, with respect to the statutory disqualification and the sanctions imposed, the associated person was ordered to undertake any changes to its organizational structure or policies and procedures set forth in paragraph (e)(4) of this section. To the extent that such changes were mandated, describe what changes were mandated and whether the associated person has implemented them;

(5) Notwithstanding the conduct resulting in a statutory disqualification, the applicant should provide a detailed statement of why the associated person should be permitted to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, including what steps the associated person or applicant have taken, or will take, to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant in compliance with the applicable statutory and regulatory framework;

(6) The compliance and disciplinary history, during the five years preceding the filing of the application, of the applicant;

(7) Whether the associated person has been involved in any litigation during the five years preceding the filing of the application concerning investment or investment-related activities or whether there are any unsatisfied judgments outstanding against the associated person concerning investment or investment-related activities, to the extent not otherwise covered by paragraph (f)(6) of this section. If so, the applicant should provide details regarding such litigation or unsatisfied judgments; and

(8) Any other information that the applicant believes to be material to the application.

(g) *Prior applications or processes.* In addition to the information specified above, any person making an application under this rule shall provide any order, notice or other applicable document reflecting the grant, denial or other disposition (including any dispositions on appeal) of any prior application or process concerning the associated person:

(1) Pursuant to this section;

(2) Pursuant to Rule of Practice 193 (17 CFR 201.193);

(3) Pursuant to Investment Company Act Section 9(c) (15 U.S.C. 80a–9(c));

(4) Pursuant to Section 19(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(d)), Rule 19h–1 under the Securities Exchange Act of 1934 (17 CFR 240.19h–1), or a proceeding by a self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) for a person to become or remain a member, or an associated person of a member, notwithstanding the existence of a statutory disqualification; or

(5) By the Commodity Futures Trading Commission or a registered futures association (as provided in 7 U.S.C. 21) for registration, including as an associated person, or listing as a principal, notwithstanding the existence of a statutory disqualification, including:

(i) Any order or other document providing that the associated person may be listed as a principal or registered as an associated person of a futures commission merchant, retail foreign exchange dealer, introducing broker,

commodity pool operator, commodity trading advisor, or leverage transaction merchant, or any person registered as a floor broker or a floor trader, notwithstanding that the person is subject to a statutory disqualification from registration under Section 8a(2) or 8a(3) of the Commodity Exchange Act (7 U.S.C. 12a(2), (3)); or

(ii) Any determination by a registered futures association (as provided in 7 U.S.C. 21) that had the associated person applied for registration as an associated person of a swap dealer or a major swap participant, notwithstanding statutory disqualification, the application would have been granted or denied.

(h) *Notification to applicant and written statement.* In the event an adverse recommendation is proposed by Commission staff with respect to an application made pursuant to this rule, the applicant shall be so advised and provided with a written statement of the reasons for such recommendation. The applicant shall then have 30 days thereafter to submit a written statement in response.

(i) *Temporary exclusion for other persons.* (1) Unless otherwise ordered by the Commission, or the Commission, Commodity Futures Trading Commission, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21) has previously denied membership, association, registration or listing as a principal with respect to the associated person, the security-based swap dealer or major security-based swap participant shall be excluded from the prohibition in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)) with respect to an associated person that is not a natural person and that is subject to a statutory disqualification as follows:

(i) For 30 days following the associated person becoming subject to a statutory disqualification or 30 days following the person that is subject to a statutory disqualification becoming an associated person of a security-based swap dealer or major security-based swap participant; and

(ii) For 180 days following the filing of a complete application pursuant to this section and a notice pursuant to paragraph (i)(2) by a security-based swap dealer or major security-based swap participant if the application and notice are filed within the time period specified in paragraph (i)(1)(i), or until such time the Commission makes a determination on such application within the 180-day time period; provided that where the Commission does not render a decision within 180 days following the filing of such application, the applicant shall have 60 days to comply with the prohibition in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)); or

(iii) For 180 days following the filing of a complete application with, or initiation of a process by, the Commodity Futures Trading Commission, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21) with respect to the associated person for the membership, association, registration or listing as a principal, where such application has been filed or process started prior to or within the time period specified in paragraph (i)(1)(i) of this section and a notice has been filed with the Commission pursuant to (i)(2) of this section within the time period specified in paragraph (i)(1)(i); provided that where the Commodity Futures Trading Commission, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21) does not render a decision or renders an adverse decision with respect to the associated person within the 180-day time period, the applicant shall have 60 days to comply with the prohibition in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)).

(2) A security-based swap dealer or major security-based swap participant shall be excluded from the prohibition in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)) as provided in paragraph (i)(1)(ii) or (iii) of this section where the security-based swap dealer or major security-based swap participant has filed a notice with the Commission setting forth the name of the security-based swap dealer or major security-based swap participant and the name of the associated person that is subject to a statutory disqualification, and attaching as an exhibit to the notice a copy of the order or other applicable document that resulted in the associated person being subject to a statutory disqualification.

(3) Where the Commission denies an application pursuant to this section with respect to an associated person that is not a natural person, the Commission may provide by order an extension of the exclusion provided for in paragraph (i)(1)(ii) of this section as is necessary or appropriate to allow the applicant to comply with the prohibition in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)).

(j) *Notice in lieu of an application.* (1) A security-based swap dealer or major security-based swap participant may permit a person associated with it that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without making an application pursuant to this section, where the conditions in paragraph (j)(2) of this section are met, and where:

(i) The person has been admitted to or continued in membership, or participation or association with a member, of a self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)), notwithstanding that such person is subject to a statutory disqualification under Section 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A) through (F));

(ii) The person is a natural person and has been granted consent to associate pursuant to the Rule of Practice 193 (17 CFR 201.193);

(iii) The person has been permitted to effect or be involved in effecting security-based swaps on behalf of a security-based swap dealer or major security-based swap participant pursuant to this section; or

(iv) The person has been registered as, or listed as a principal of, a futures commission merchant, retail foreign exchange dealer, introducing broker, commodity pool operator, commodity trading advisor, or leverage transaction merchant, registered as an associated person of any of the foregoing, registered as or listed as a principal of a swap dealer or major swap participant, or registered as a floor broker or floor trader, notwithstanding that the person is subject to a statutory disqualification under Sections 8a(2) or 8a(3) of the Commodity Exchange Act (7 U.S.C. 12a(2), (3)), and the person is not subject to a Commission bar or suspension pursuant to Sections 15(b), 15B, 15E, 15F or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–4, 78o–7, 78o–10, 78q–1), Section 9(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(b)) or Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)).

(2) A security-based swap dealer or major security-based swap participant may permit a person associated with it that is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on its behalf, without making an application pursuant to this section, as provided in paragraph (j)(1) of this section, subject to the following conditions:

(i) All matters giving rise to a statutory disqualification under Section 3(a)(39)(A) through (F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(A) through (F)) have been subject to a process where the membership, association, registration or listing as a principal has been granted or otherwise approved by the Commission, Commodity Futures Trading Commission, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21);

(ii) The terms and conditions of the association with the security-based swap dealer or major security-based swap participant are the same in all material respects as those approved in connection with a previous order, notice or other applicable document granting the membership, association, registration or listing as a principal, as provided in paragraph (j)(1) of this section;

(iii) Where the associated person is a natural person, the security-based swap dealer or major security-based swap participant has filed a notice with the Commission, setting forth, as appropriate:

(A) The name of the security-based swap dealer or major security-based swap participant;

(B) The name of the associated person subject to a statutory disqualification;

(C) The name of the associated person's prospective supervisor(s) at the security-based swap dealer or major security-based swap participant;

(D) The place of employment for the associated person subject to a statutory disqualification; and

(E) Identification of any agency, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21) that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal; and

(iv) Where the associated person is not a natural person, the security-based swap dealer or major security-based swap participant has filed a notice with the Commission setting forth:

(A) The name of the security-based swap dealer or major security-based swap participant;

(B) The name of the associated person that is subject to a statutory disqualification; and

(C) Identification of any agency, self-regulatory organization (as provided in 15 U.S.C. 78c(a)(26)) or a registered futures association (as provided in 7 U.S.C. 21) that has indicated its agreement with the terms and conditions of the proposed association, registration or listing as a principal.

Appendix A to § 201.194—Note Concerning 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

(a) Under Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)), except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, if the security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

(b) In accordance with the authority granted in Section 15F(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)(6)), this rule governs applications to the Commission by a security-based swap dealer or major security-based swap participant for the Commission to issue an order to permit an associated person of a security-based swap dealer or major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant.

(c) Applications made pursuant to this rule must show that it would be consistent with the public interest to permit the associated person of the security-based swap dealer or major security-based swap participant to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant. In addition to the information specifically required by the rule, with respect to associated persons that are natural persons, applications should be supplemented, where appropriate, by written statements of individuals who are competent to attest to the associated person's character, employment performance, and other relevant information. In addition to the information required by the rule, the Commission staff may request supplementary information to assist in the Commission's review. Intentional misstatements or omissions of fact may constitute criminal violations of 18 U.S.C. 1001, *et seq.* and other provisions of law. The Commission will not consider any application that attempts to reargue or collaterally attack the findings that resulted in the statutory disqualification.

(d) The nature of the supervision that an associated person that is a natural person will receive or exercise as an associated person with a registered entity is an important matter bearing upon the public interest. In meeting the burden of showing that permitting the associated person to effect or be involved in effecting security based swaps on behalf of the security-based swap dealer or major security-based swap participant is consistent with the public interest, the application and supporting documentation must demonstrate that the terms or conditions of association, procedures or proposed supervision, are reasonably designed to ensure that the statutory disqualification does not negatively impact upon the ability of the associated person to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant in compliance with the applicable statutory and regulatory framework.

(e) Normally, the applicant's burden of demonstrating that permitting the associated person to effect or be involved in effecting security based swaps on behalf of the security-based swap dealer or major security-based swap participant is consistent with the public interest will be difficult to meet where the associated person that is a natural person is to be supervised by, or is to supervise, another statutorily disqualified individual. In addition, where the associated person wishes to become the sole proprietor of a registered entity and thus is applying to the Commission to issue an order permitting the associated person to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant notwithstanding an absence of supervision, the applicant's burden will be difficult to meet. The associated person may be limited to association in a specified capacity with a particular registered entity and may also be subject to specific terms and conditions.

By the Commission.

Dated: August 5, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–19662 Filed 8–24–15; 8:45 am]

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Federal Register

Vol. 80, No. 164

Tuesday, August 25, 2015

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Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6064**

Public Laws Update Service (numbers, dates, etc.) **741–6043**

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FEDERAL REGISTER PAGES AND DATE, AUGUST

45841–46180 3
46181–46484 4
46485–46788 5
46789–47398 6
47399–47828 7
47829–48000 10
48001–48234 11
48235–48422 12
48423–48682 13
48683–49116 14
49117–49886 17
49887–50188 18
50189–50542 19
50543–50754 20
50755–51112 21
51113–51422 24
51423–51722 25

CFR PARTS AFFECTED DURING AUGUST

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

200 48683
2600 51423

Proposed Rules:

3474 47254

3 CFR

Proclamations:

9305 46175
9306 48423
9307 50541

Executive Orders:

13702 46177
13703 46181
13704 50751

Administrative Orders:

Notices:
Notice of August 7, 2015 48233
Presidential Determinations:
No. 2015-10 of August 5, 2015 50755

5 CFR

Ch. C 49117

Proposed Rules:

950 49173
1605 49173

6 CFR

Proposed Rules:

5 49175
19 47284

7 CFR

6 46185
301 48001
319 48002
457 48003
922 50189
953 50191
958 50193
985 50543
1208 46789

Proposed Rules:

16 47244
52 50803
185 49930
984 49930
1051 47210
1222 50225
3560 46853

9 CFR

Proposed Rules:

201 47871
381 50228

10 CFR

1 45841
37 45841
40 45841
50 45841
51 48235
55 45841
71 48683
72 49887
74 45841
75 45841
429 ..... 46730, 50757, 51424
430 ..... 46730, 48004, 50757, 51424

Proposed Rules:

Ch. I 49177
20 50804
50 51481
429 ..... 46855, 46870, 50462
430 ..... 46521, 46855, 48624, 49933, 51482, 51483
431 ..... 46870, 50462, 51487

12 CFR

208 49082
217 49082
235 48684
611 51113
701 45844
702 48010
1010 49127

Proposed Rules:

1238 50805

14 CFR

1 48686
23 48242
25 ..... 47399, 47400, 49892, 49893
39 ..... 45851, 45853, 45857, 46187, 48013, 48018, 48019, 48022, 49127, 49130, 49132, 50544, 50550, 50551, 50554, 50556, 51443, 51447, 51450, 51454, 51456, 51459, 51461
65 46791
71 ..... 48425, 48426, 48427, 48428, 48429, 48430, 48431, 48686, 51121
73 49134
97 ..... 45860, 45862, 50758, 50760
1217 45864

Proposed Rules:

1 50587
23 ..... 50587, 50808
25 ..... 49934, 49936, 49938, 50587
27 50587
29 50587
39 ..... 45900, 45902, 46206, 47871, 50230, 50233, 50810, 50812, 51488, 51491, 51495
61 50587

71 .....46525, 48469, 48470, 48766, 48767, 50235, 50237
73.....49181, 51498
91.....50587
121.....50587
125.....50587
135.....50587

15 CFR

700.....50761
744.....47402
746.....47402
902.....48244

Proposed Rules:

902.....48172

16 CFR

Proposed Rules:

Ch. II.....48043
312.....47429
1112.....48769
1234.....48769
1500.....50238

17 CFR

229.....50104
232.....51123
240.....48964, 50104
241.....47829
249.....48964, 50104

Proposed Rules:

201.....51684

18 CFR

2.....50558
157.....50558

19 CFR

181.....47405
191.....47405
351.....46793

20 CFR

404.....48248
422.....47831

Proposed Rules:

702.....49945
703.....49945

21 CFR

73.....46190, 50762
317.....50559
866.....46190
870.....49895
874.....46192
878.....46485
882.....49136

Proposed Rules:

573.....48471
1100.....51146
1140.....51146
1143.....51146
1308.....48044

22 CFR

22.....51464
35.....49138
62.....48687
96.....50195

Proposed Rules:

205.....47238

24 CFR

5.....46486
15.....49140
200.....48024
203.....51466
207.....51466
220.....51466
221.....51466
232.....48024, 51466
235.....51466
236.....51466
241.....51466
982.....50564

Proposed Rules:

5.....47302
92.....47302
200.....47874
570.....47302
574.....47302
576.....47302
578.....47302
582.....47302
583.....47302
1003.....47302

25 CFR

Proposed Rules:

41.....49946

26 CFR

1 .....45865, 46795, 48249, 48433
602.....45865, 46795

Proposed Rules:

1 .....45905, 46882, 47430, 48472, 50239, 50240, 50814
25.....47430
26.....47430
301.....47430

27 CFR

9.....47408

Proposed Rules:

9.....46883

28 CFR

553.....45883

Proposed Rules:

38.....47316

29 CFR

1902.....49897
1903.....49897
1904.....49897
1952.....49897
1953.....49897
1954.....49897
1955.....49897
1956.....46487, 49897
4022.....48688

Proposed Rules:

2.....47328
1902.....49956
1903.....49956
1904.....49956
1910.....47566
1952.....49956
1953.....49956
1955.....49956
1956.....49956

31 CFR

Proposed Rules:

23.....46208

32 CFR

199.....46796
238.....47834

33 CFR

100 .....48436, 49909, 50196, 50574, 50765
117 .....46492, 47410, 47411, 47850, 47851, 47852, 48251, 48440, 48441, 48689, 50576, 50768, 51469
147.....47852
160.....50576
165 .....45885, 45886, 46194, 47855, 48252, 48441, 48690, 48692, 48695, 49152, 49155, 49911, 50577, 50769, 50771, 51125, 51470

Proposed Rules:

100.....49968
165 .....48782, 48784, 48787

34 CFR

200.....50773
Ch. III.....46799, 48028, 48443, 48696
300.....50773

Proposed Rules:

75.....47254
76.....47254
Ch. VI.....50588

36 CFR

1206.....51423
1207.....51423
1210.....51423

Proposed Rules:

2.....48280

37 CFR

Proposed Rules:

42.....50720

38 CFR

1.....49157
3.....48450
17.....46197
36.....48254

Proposed Rules:

4.....46888
50.....47340
61.....47340
62.....47340

39 CFR

111.....48702

Proposed Rules:

3050 .....46214, 49184, 49186, 50589, 50815

40 CFR

51.....50199, 51052
52 .....45887, 45890, 46201, 46494, 46804, 47857, 47859, 47862, 48033, 48036, 48255, 48259, 48718, 48730, 48733, 49913, 50199, 50203, 50205, 50579, 50582, 50785, 50789, 51127, 51131, 51136, 51470
60.....48262, 50386
63.....50386
70.....50199
71.....50199
80.....49164
131.....51020
180 .....46816, 48743, 48749, 48753, 49168, 50207
271.....50794, 51141
300.....48757, 50797
1600.....46822

Proposed Rules:

9.....45914, 46526
22.....45914, 46526
52 .....45915, 47880, 47883, 48051, 48280, 48281, 48790, 48791, 49187, 49190, 49970, 50240, 50248, 50590, 50591, 50816, 50817, 51147, 51151, 51152, 51153, 51156, 51157, 51167, 51499
56.....50250
62.....51170
80.....49193
85.....45914, 46526
86.....45914, 46526
123.....47430
131.....47430
171.....51356
233.....47430
271.....51172
300.....48793, 50817
501.....47430
600.....45914, 46526
721.....47441
1033.....45914, 46526
1036.....45914, 46526
1037.....45914, 46526
1039.....45914, 46526
1042.....45914, 46526
1065.....45914, 46526
1066.....45914, 46526
1068.....45914, 46526

42 CFR

68b.....48272
84.....48268
110.....47411
412 .....46652, 47036, 49326
414.....51474
418.....47142
476.....51474
483.....46390

Proposed Rules:

80.....48473
409.....46215, 49973
424.....46215, 49973
484.....46215, 49973
510.....51504

43 CFR

2.....45893
4.....48451

44 CFR

64 .....45894, 51474, 51476

45 CFR

Ch. XVI 48762

Proposed Rules:

87.....47272
95.....48200
1050.....47272
Ch. XIII.....48282
Subch. B 48282
1355.....48200
1356.....48200

46 CFR

Proposed Rules:

8.....51173
197.....51173
296.....46527

47 CFR

20.....45897

63.....45898
73.....46824
Proposed Rules:
0.....46900
1.....51174
2.....46900
11.....47886
15.....46900
18.....46900
54.....45916, 47448
73.....45917
90.....46928

48 CFR

22.....51476
46.....51476
207.....45899
1837.....50212
1852.....50212
Proposed Rules:
1.....46531
4.....46531
9.....46531
17.....46531
22.....46531
52.....46531
202.....45918
212.....45918
215.....45918
252.....45918
1823.....48282
1852.....48282

49 CFR

27.....46508
192.....46847
193.....46847
195.....46847
232.....47350
391.....48765
611.....46514
Proposed Rules:
37.....50593
191.....46930
192.....46930
195.....46930
228.....51180
512.....45914, 46526
523.....45914, 46526
534.....45914, 46526
535.....45914, 46526
537.....45914, 46526
541.....46930
583.....45914, 46526
670.....48794

50 CFR

17 .....47418, 48142, 49846
20.....51090
218.....46112
226.....50926
300 .....46515, 51476, 51478
622 .....46205, 48041, 48277, 50585
635.....46516, 50074
648 .....46518, 46848, 48244, 49171, 49917, 51144
660 .....46519, 46852, 50212
679 .....46520, 47864, 48467
Proposed Rules:
17.....51506
20 .....46218, 47388, 51658
216.....48172
219.....46939, 49196
222.....45924
223.....48053, 48061
224.....48053, 48061
600.....46941
622.....48285, 51523
635.....49974
648.....46531
660.....51525
665.....51193, 51527
697.....46533

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List August 11, 2015

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